United Nations

Press Release

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Background Release

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31 January 1994

HUMAN RIGHTS COMMISSION HOLDS FIFTIETH SESSION

AT GENEVA, 31 JANUARY - 11 MARCH

GENEVA, 28 January (UN Information Service) -- The state of human rights and fundamental freedoms in the world today is at the centre of attention, as the Commission on Human Rights, the principal policy-making organ in that field within the United Nations system, today begins its fiftieth session at the Palais des Nations. The session is scheduled to end on 11 March.

Established in 1946 by the Economic and Social Council, the Commission has an extensive mandate which allows it to deal with a wide range of human rights issues. In addition to preparing studies, making recommendations and drafting international human rights instruments, it also undertakes special tasks assigned to it by the General Assembly or the Council, including the investigation of alleged human rights violations. In addition, it provides for the coordination of human rights activities in the United Nations system. Since 1992, the Commission has been authorized to meet exceptionally to consider particularly grave human rights situations, provided that a majority of its members so agree.

This fiftieth Commission session is the first to take place after the historic 1993 World Conference on Human Rights, in which 171 States participated. That Conference examined in detail progress achieved in human rights, and obstacles to their full enjoyment, as well as the application of international instruments and the effectiveness of the methods and machinery established by the United Nations. The Vienna Declaration and Programme of Action, adopted by the Conference on 25 June 1993, is to inspire and determine all the future action of the international community and of the United Nations system on behalf of human rights.

The spirit of dialogue and cooperation which prevailed at Vienna was also reflected in the work of the forty-eighth (1993) session of the General Assembly concerning human rights. In addition to adopting the Declaration and Programme of Action, the Assembly created the post of High Commissioner for Human Rights and proclaimed two decades devoted to human rights: the Third Decade against Racism and Racial Discrimination, which began on 1 January; and

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a Decade for Indigenous Peoples, which will be launched in December; and urges the Commission and the international community to consider proposals to establish a decade for human rights education.

The Vienna Declaration and Programme of Action addressed a number of recommendations to the Commission which the current session will examine. Those include the basic rights of women, which, according to the Declaration, should be placed at the heart of national and international action; promotion and protection of the rights of the child, with two precise objectives -- universal ratification of the Convention on the Rights of the Child by 1995 and implementation of the Plan of Action adopted by the World Summit for Children; and the rights of indigenous populations, in particular, in connection with the launching of the Decade.

The Commission's agenda for the session includes such questions as "human rights violations in the occupied Arab territories, including Palestine", and in southern Africa; and the human rights situations in Iran, Equatorial Guinea, Afghanistan, Myanmar, Cuba, the former Yugoslavia, Iraq, Haiti, the Sudan, East Timor, Bougainville, Zaire and Togo. The question of human rights in Cyprus will also be considered. The adverse consequences for the enjoyment of human rights of assistance to South Africa will be examined, as will measures to ensure the rights of migrant workers, detainees, minorities and children. Also on the agenda is the right of peoples to self-determination, as is the question of advisory services to Governments in human rights matters.

The realization in all countries of economic, social and cultural rights, of the right to development and promotion of universally recognized human rights and fundamental freedoms will be discussed. The Commission will focus on phenomena such as torture and other cruel treatment or punishment; enforced disappearances; human rights and mass exoduses; and hostage-taking.

It will also consider the report of its Subcommission on Prevention of Discrimination and Protection of Minorities on its 1993 regular session, held last August at Geneva, and will act on about 20 draft resolutions and draft decisions submitted to it by the Subcommission. The Commission will continue its standard-setting work, with a draft text on the responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms. Also to be looked at are violations of the human rights of staff members of the United Nations system, experts and their families, including their detention, disappearance and death; and the independence and impartiality of the judiciary.

Human Rights Violations

The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967, since its twenty-fourth session (1968). At its forty-ninth session, the Commission decided to appoint a special rapporteur to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War in the occupied territories and to report,

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with conclusions and recommendations, to the Commission at its future sessions until the end of the Israeli occupation of those territories.

Among the documents before the Commission under that item will be a note by the Secretary-General listing United Nations reports issued between sessions of the Commission that deal with the living conditions of the population of the Palestinian and other occupied Arab territories.

Concerning South Africa, the Commission last year once more requested the South African authorities to allow the Ad Hoc Working Group of Experts on Southern Africa to visit South Africa, to gather information from individuals and organizations in order to ascertain the situation of human rights there. The Commission will have before it the report of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on monitoring the transition to democracy in South Africa. There was no doubt, that report concludes, that South Africa now stood on the threshold of a new era full of promise. None the less, the road from a regime of segregation, under apartheid, to a new non-racial democracy in which the fundamental human rights of all citizens were respected and promoted, remained fraught with uncertainties and dangers.

While looking at the question of rights violations in any part of the world, with particular reference to colonial and other dependent countries and territories, the Commission will also have before it reports of the Secretary-General on such questions as human rights in East Timor, Bougainville, Zaire, Togo and southern Lebanon.

During 1993, Special Rapporteurs were appointed to make a thorough study of the violation of human rights by the Government of Equatorial Guinea; and to establish direct contact with the Government and with the people of the Sudan and to report on the situation there. The Commission extended the mandates of its Special Rapporteurs to report on the human rights situation in Iran, including that of minority groups such as the Baha'is; and on the human rights situation in Afghanistan, Iraq and Haiti.

The Commission also extended the mandates of its Special Rapporteurs requested to establish or continue direct contacts with the Government and people of Myanmar; to maintain direct contact with the Government and citizens of Cuba; and to investigate the rape and abuse of women and the subject of disappearances in the territory of the former Yugoslavia. Reports on all the above questions, as well as by the Special Rapporteur on summary or arbitrary executions, will be before the Commission.

In addition, situations which appear to reveal a consistent pattern of gross violations will be examined under Economic and Social Council resolution 1503 adopted in 1970. Since then, particular situations relating to some 50 countries have been placed before the Commission under that procedure; the work will be carried out in closed meetings on the basis of a confidential report from the Commission's Working Group on Situations, as well as other confidential documents.

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Also on the agenda is the question of the human rights of all persons subjected to any form of detention or imprisonment. Among the questions the Commission will look at under that item are the following: torture and other cruel, inhuman or degrading treatment or punishment; enforced or involuntary disappearances; human rights and states of emergency; the independence of the judiciary; hostage-taking; the right to a fair trial; and arbitrary detention. In 1993, a special rapporteur was appointed, for a period of three years, to seek and receive credible information on cases of discrimination against, threats or use of violence and harassment directed at persons, in particular professionals in the information field seeking the exercise or promotion of the right to freedom of opinion and expression. That report is before the Commission.

Last year, the Commission requested the Secretary-General to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes. It also requested the Secretary-General to submit to this Commission session an updated report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report. Reports on those questions will be among the documents before the Commission.

Realization of Economic, Social, Cultural Rights

The question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights has been a standing item with high priority on the Commission's agenda since 1975. Under it, the Commission studies the special problems faced by developing countries in their efforts to achieve those human rights. These include, for example, problems relating to the right to enjoy an adequate standard of living, to foreign debt, and to economic adjustment policies and their effects on the full enjoyment of human rights.

A number of documents will be before the Commission on that item, including the report of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights; reports by the Secretary-General on the repercussions and prospects of the debt crisis and adjustment programmes; on human rights and extreme poverty; the updated report of the independent expert on the right to own property; and analytical report by the Secretary-General on the practice of forced evictions.

The Commission last year decided to establish a working group composed of 15 experts with a mandate to identify obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of that right by all States. The report of the Working Group will be before the Commission.

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Right to Self-Determination

Last year, the Commission adopted several resolutions within the framework of its concern for the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. Those focused on the situations in occupied Palestine, in Cambodia, Western Sahara, as well as on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination. Among other things, it decided to consider the situation in occupied Palestine as a matter of high priority at this session.

On Cambodia, it requested the Secretary-General to ensure a continued United Nations human rights presence there after the expiry of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC), through the operational presence of the Centre for Human Rights, and to appoint a special representative whose mandate would include maintaining contact with the Government and people of Cambodia; coordinating the United Nations human rights presence there; and assisting the Government in the promotion and protection of human rights. The report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination will also be examined.

Elimination of Discrimination

Again this year, the Commission will deal with the issues of racial and religious discrimination. In 1993, it made a number of recommendations with regard to possible activities to be undertaken during the Third Decade to Combat Racism and Racial Discrimination (1993-2002). It also decided to consider at its 1994 session, as a matter of high priority, the draft programme of action for that Decade. Moreover, it appointed, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and requested him to report thereon to the Commission on an annual basis.

Before the Commission as well will be the report of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that were incompatible with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

Human Rights Promotion and Protection

In evaluating its programme and methods of work, the Commission looks at alternative approaches and ways within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. National institutions for human rights protection come up for study, as does the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery in that field. Those bodies include the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, which monitor, respectively, implementation of the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. How

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they, as well as the other bodies established pursuant to United Nations human rights instruments, carry out their mandates will also be examined.

Before the Commission will be a report by the Secretary-General on public information activities, with special emphasis on the activities of the World Public Information Campaign for Human Rights. At its 1993 session, the Commission requested the Secretary-General to mandate his representative on internally displaced persons, for a period of two years, to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions.

In addition, the Commission urged the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the human rights area. It urged the Department of Humanitarian Affairs to function effectively as the focal point and also urged all bodies involved to cooperate fully. A report of the Secretary-General outlines the principal developments in the United Nations system with regard to early warning and preventive diplomacy since the issuance of "An agenda for peace". Other questions to be addressed under the item include regional arrangements for the promotion and protection of human rights, establishment of an emergency mechanism of the Commission, and civil defence forces.

The Commission will also have before it the report of the Secretary-General on advisory services and technical assistance in the human rights field. It describes the action of the Centre for Human Rights in connection with programmes aimed at strengthening national infrastructures for the promotion and protection of human rights, revising legislation and Constitutions to conform to human rights standards, and providing training to Government and law-enforcement officials.

Standard Setting

The Commission is continuing its standard-setting activities with work on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. Last year, the Commission urged the open-ended working group on that question to make every effort to complete its task and submit the draft declaration to the Commission at this session. The report of the working group will be before the Commission.

The Commission will also consider the question of a draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which designed to establish a system of visits by a committee of experts to places of detention within the jurisdiction of States parties to the Protocol. Before the Commission will be the report of the open-ended intersessional working group set up to elaborate the draft Optional Protocol.

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Rights of Child

The question of the rights of the child has gained increasing importance during recent years, especially since the entry into force in 1990 of the Convention on the Rights of the Child. Under that agenda item, the Commission will consider the status of the Convention and the report of the Special Rapporteur on the sale of children, including the question of child prostitution and child pornography and the problem of the adoption of children for commercial purposes. Before it too will be a note by the Secretariat on the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

Composition of Commission

The composition of the Commission is as follows: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, India, Indonesia, Iran, Italy, Japan, Kenya, Lesotho, Libya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syria, Togo, Tunisia, United Kingdom, United States, Uruguay and Venezuela.

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31 January 1994

HUMAN RIGHTS COMMISSION OPENS FIFTIETH SESSION

Speakers Call for Reflection on Work And Agenda of Principal United Nations Human Rights Body

GENEVA, 31 January (UN Information Service) -- The time had come for the Commission on Human Rights to reflect upon its work and examine whether its agenda still met the requirements of today, said the incoming Chairman of the main United Nations human rights body as it opened its fiftieth session this morning.

Peter van Wulfften Palthe (Netherlands), elected Chairman by acclamation, said this first session of the Commission after the 1993 World Conference on Human Rights and after the creation of the post of United Nations High Commissioner for Human Rights should be a forward-looking exercise. The momentum created in Vienna should not be lost.

Ibrahima Fall, Assistant Secretary-General for Human Rights, observing that 1993 would be remembered as being the starting point for a new era in human rights, said the reference points that would characterize that era included the integration of the fundamental rights of women; the safeguarding of the rights of the child, indigenous populations and vulnerable groups; and the promotion of a culture of human rights through the provision of technical assistance, education and the fight against racism and racial discrimination.

Mohamed Ennaceur (Tunisia), Chairman of the forty-ninth session, said that the session was a cause for celebration, but it should also be an occasion for self-criticism and re-evaluation. It was time for the Commission finally to tackle the question of rationalizing its work.

The Commission elected its officers and adopted its agenda. Minoru Endo (Japan), Romulus Neagu (Romania) and José Urrutia (Peru) will serve as Vice-Chairmen. François-Xavier Ngoubeyou (Cameroon) was elected Rapporteur.

Also this morning, the Commission observed a minute of silence for Juan Palacios, former Director for Human Rights at the Ministry of Foreign Affairs of Spain, who died last month in New York.

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When it meets again at 10 a.m. tomorrow, 1 February, the Commission will discuss the organization of its work for the session. At 10.30 a.m., Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), will address the meeting.

Statement by Assistant Secretary-General for Human Rights

IBRAHIMA FALL, Assistant Secretary-General for Human Rights, said that with such events as the holding of the World Conference on Human Rights, the creation of the post of High Commissioner for Human Rights and the establishment of an international tribunal charged with prosecuting war criminals in the former Yugoslavia, 1993 would be remembered as being the starting point for a new era in human rights. The reference points that would characterize that era were: the pursuit of a global and integrated approach regarding human rights; the coordination and strengthening of United Nations action in that field; the integration of the fundamental rights of women; the safeguarding of the rights of the child, indigenous populations and vulnerable groups; and the promotion of a culture of human rights through the provision of technical assistance, education and the fight against racism and racial discrimination.

The Vienna Declaration and Programme of Action called for the promotion and implementation of an integrated and global approach to human rights, Mr. Fall continued. In order for that approach to become a reality, the actual imbalance in the treatment of economic, social and cultural rights must be corrected. The Centre for Human Rights had taken a number of practical measures to increase the importance accorded to the right to development and other economic, social and cultural rights, although that had not received the expected financial support from the General Assembly. The World Conference had also highlighted the importance of the universal ratification of the main international human rights instruments. Would it be too much to ask that States members of, or candidates for membership in, the Commission ratify the six major human rights instruments?

Concerning the rights of women, Mr. Fall recalled that during the preparatory process of the World Conference, grave concern had been expressed about the prevalence of violence against women. Some 120,000 petitions had been presented to the Conference in that regard. With the adoption by the Assembly of the Declaration on the Elimination of Violence against Women (resolution 48/104), the Commission had been given an appropriate legal framework to continue to examine the question and to respond to the widely shared wish to appoint a woman as rapporteur on the matter. The elimination of all forms of discrimination against women should also be taken into consideration.

After recalling the importance the World Conference and the United Nations system accorded to the rights of the child and of indigenous people -- the International Decade of the World's Indigenous People begins on 10 December -- Mr. Fall turned to the reports before the Commission on the situation of human rights in the world. That situation had to be "noticeably improved", he declared.

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In addition to the insufficient human and financial resources, there was a lack of cooperation on the part of certain Governments, he stated. At its last session, the Assembly had recognized the problem of resources and had responded positively to requests by the Secretary-General to increase the financial and human resources for the Centre. However, the effort agreed upon by the Assembly did not even partially compensate for the gap between the mandates and resources which had accumulated over the years. As concerned the Vienna Programme of Action, the resources allocated by the Assembly did not allow for its realistic application. He hoped that with the support of the Commission, the Assembly would reconsider the question of financial resources for the Programme's effective implementation.

In conclusion, Mr. Fall paid homage to all participants in the work of the Commission over the years for the remarkable progress achieved, and called on them to continue to make progress.

Statement by Commission's Outgoing Chairman

MOHAMED ENNACEUR (Tunisia), outgoing Chairman of the Commission, opened the fiftieth session by saying that such an anniversary was a cause for celebration, but it also should be an occasion for self-criticism and re-evaluation. There were major reasons for reflection and worry. There had been no stop to the continuing slaughter in Bosnia, despite the Commission's many resolutions and the steps taken by the General Assembly. If those States with the capacity to intervene and influence the crisis continued to fail to do so, the running tragedy there would dangerously weaken the credibility of the United Nations. In Africa, the situation was also deeply disturbing. Long-running conflicts there were continuously costing lives. What had the Commission done in the face of those and other challenges? Growing waves of refugees, rising unemployment in the developed, as well as the underdeveloped, world, and an increase in the number of people living under authoritarian regimes -- all these gave great cause for concern.

On the other hand, there had been some promising events, he continued. There was a surge of dynamism in working for peace -- an effort to end decades of conflict and suffering in the historic signature between the PLO and Israel of the Declaration of Principle of 13 September 1993, and the ongoing negotiations between the two sides. There was startling progress in South Africa, where agreement had been reached on the setting up of a transitional government and on a date for free, general elections.

In the field of human rights in 1993, there had been the Vienna World Conference -- a victory for dialogue over confrontation, for cooperation over adversity. Also, the post of a High Commissioner for Human Rights had been established. If sufficient resources and support were provided for that job, much could be accomplished. It was necessary for the Commission to set up guidelines for cooperation with that new official, he added.

Meanwhile, it was time for the Commission finally to tackle the question of rationalizing its methods of work -- a job long contemplated but still not undertaken. A complete and general discussion was going to be needed sooner

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or later. There were so many reports and documents it was hard to keep up with them or to do them justice. A number of members also felt the agenda was simply too long -- but how to shorten it without eliminating matters that some felt were very important? It would be best if such matters were considered by an open-ending working group, held between Commission sessions, or, even better, if they could be reviewed during a special Commission session.

PETER PAUL VAN WULFFTEN PALTHE (Netherlands) said he considered this session a particularly important one as it was the first after the World Conference on Human Rights and after the General Assembly created the post of High Commissioner for Human Rights. The time had come to reflect on the Commission's work, to have a close look at its agenda and to see whether it still met the requirements of today. The time had also come for a forward-looking exercise, especially in the light of the Vienna Declaration and Plan of Action for Human Rights. The momentum created at Vienna, as well as by the General Assembly, should not be lost. It should be used to further the cause of human rights well into the twenty-first century.

He expressed confidence that members would be able to make that session a fruitful one. It was their task to address and help eradicate the many violations of human rights in many parts of the world. "Let us never forget the victims of such human rights violations who look principally upon us to relieve their awful plight", he declared.

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31 January 1994

PETER PAUL VAN WULFFTEN PALTHE OF NETHERLANDS ELECTED CHAIRMAN OF HUMAN RIGHTS COMMISSION

GENEVA, 31 January (UN Information Service) -- Peter Paul van Wulfften Palthe (Netherlands) was elected Chairman of the fiftieth session of the Commission on Human Rights this morning at the Palais des Nations.

Born in 1950 in Indonesia, he studied social and political science at the University of Lausanne, Switzerland (1969-1970), and received a Master's degree in international law from the University of Leiden, the Netherlands (1977).

Mr. van Wulfften Palthe joined the European Affairs Department of the Netherlands Ministry of Foreign Affairs in 1977, and was posted to embassies in Yaoundé, Bogota and Manila during 1979 to 1986. From 1986 to 1990, he served at the Permanent Mission of the Netherlands to the United Nations, in New York. He was the Netherlands representative in the Assembly's Sixth Committee (Legal) from 1986 to 1988, and in its Third Committee (Economic, Social and Cultural) from 1988 to 1990.

In 1990, he was appointed Head of the Legal and Social Affairs Division, International Organizations Department, of his country's Ministry of Foreign Affairs, dealing with such questions as human rights, refugees, humanitarian affairs, environment, drugs, crime prevention, and social development and legal matters in the United Nations.

Among his special assignments have been the following: member of the Netherlands delegation to the Preparatory Commission for the Law of the Sea (1986-1993) and the United Nations Commission on Human Rights (1990-1991); Chargé d'affaires at the Embassy at Havana, Cuba (1988); member of the Netherlands delegation to the London Conference on former Yugoslavia (1992) and representative in the follow-up meetings in Geneva. He was also his country's representative to the 1993 World Conference on Human Rights, Vienna.

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2 February 1994

PLO CHAIRMAN TELLS HUMAN RIGHTS COMMISSION ISRAEL MUST END VIOLENCE TO ESTABLISH CLIMATE FOR IMPLEMENTATION OF PEACE ACCORD

Pakistan's Prime Minister Calls for End to Indian 'Atrocities' in Kashmir; Announces $1 Million Contribution to Yugoslavia War Crimes Tribunal

GENEVA, 1 February (UN Information Service) -- Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), this morning expressed the hope that Israel would end all acts of violence in the Palestinian territories, in order to establish a good climate for completing and implementing an accord. Confidence was needed for further progress in his ongoing talks with Israel's Foreign Minister Shimon Peres, and violence did not help establish confidence.

Addressing the Human Rights Commission, he said the two men had just completed two days of talks and that those talks would continue with the same good intentions. Nevertheless, Palestinians were still being killed by Israeli forces and settlers, and new Israeli settlements were still being established. Direct withdrawal of Israeli forces from Jericho and the Gaza Strip was necessary so that an independent government could be established with holy Jerusalem as its capital.

Mr. Arafat's address was followed by a speech by Mohtarma Benazir Bhutto, Prime Minister of Pakistan, who said 600,000 Indian troops had been deployed "to suppress the Kashmiri struggle for freedom". She called on the world community to demand that India lift "the draconian emergency laws which allow the Indian army to commit all forms of atrocities in Kashmir without being answerable to anyone".

Ms. Bhutto also announced that Pakistan was making a contribution of $1 million to the International Tribunal investigating war crimes in the former Yugoslavia, which constituted 25 per cent of all funds raised to date. "We may be a relatively poor nation", she said, "but we are prepared to assist in the search for justice".

The Commission then went on to discuss the organization of its work for the session. It decided to include on its agenda items on the International

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Year of the Family, as well as on follow-up to the World Conference on Human Rights. On the recommendation of its Bureau, it also included an item on the establishment of a permanent forum for indigenous people in the United Nations system.

Statements

YASSER ARAFAT, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), said the Commission was meeting at an historic time. International changes had been taking place since the end of the Cold War. Yet in the Middle East, despite negotiations now under way between the PLO and the Israeli Government, the situation was still static. The basic conflict had not changed. There were still the same violations of human rights as before. It was important to remember that whether wars were hot or cold, people suffered.

Grave human rights abuses were occurring in all parts of the world, Mr. Arafat said. The Palestinians in the occupied territories still suffered from violation of their rights, including the right to life and to freedom of expression of opinion. Their economy had been destroyed and they had been denied the right to self-determination in their own homeland. The isolation of the holy city of Jerusalem represented a kind of cultural and religious violation. The Commission on Human Rights had long supported the cause of the Palestinians, and at its last session appointed a Special Rapporteur to investigate the situation. Its resolutions were a weapon with which Palestinians could fight for justice.

The Palestinian people were in dire need of a just and comprehensive peace, he said, but there could be no peace under occupation. Palestine had responded to all international offers for negotiation and peace and on 13 September last year signed the Declaration of Principles with Israel. That act represented a first step, expressing good will. Its intent was to reach a peace of the brave, based on justice -- a peace which turned the page on the past, with all its tragedies. Israel and Palestine now had an opportunity to become good neighbours. Direct withdrawal of Israeli forces from Jericho and the Gaza Strip was necessary, so an independent government could be established with holy Jerusalem as its capital.

Mr. Arafat said negotiations between himself and Shimon Peres, Foreign Minister of Israel, were continuing. They had just completed two days of talks in Switzerland and those talks would continue with the same good intentions. Palestine had established an independent human rights panel whose work would be vital for the growth of the new state. He hoped Israel would show the same commitment and end all acts of violence in the Palestinian territories, in order to establish a good climate for completing and implementing an accord.

Unfortunately, he continued, Palestinians were still being killed by Israeli forces and settlers. More than 14,000 Palestinans were still held in prison. Houses were still being destroyed, curfews were still being enforced over large areas, and new Israeli settlements were still being established.

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Such acts created the impression that Israel was not serious about completing an accord. He expressed the hope that Israel would soon withdraw from the Gaza Strip and Jericho. Confidence was needed for further progress to take place, and violence did not help establish confidence.

Palestine would not be impeded by any manoeuvres to block the peace process, he said. There was no going back. He expressed the hope for a brighter tomorrow, in which Palestinian and Israeli children would be able to live without repression, violence or war. The Commission on Human Rights must continue to call for peace and self-determination in Palestine.

MOHTARMA BENAZIR BHUTTO, Prime Minister of Pakistan, said the Commission was "the repository of hope on our planet, the voice of the powerless, the poor and the oppressed". She thanked the many human rights activists who had "worked bravely to secure my release from prison during the darkest years of dictatorship in Pakistan".

Despite progress in human rights over the past decade, the promised "peace dividend" was nowhere in sight, Ms. Bhutto said. The conflicts of the past had come back to haunt the world, manifesting a "new world disorder". One could not celebrate the triumph of the Universal Declaration of Human Rights, as those rights were being violated extensively, often with impunity, in almost every part of the world. Every day, almost 50,000 people died of hunger and malnutrition. If the world could not stop that massive, daily violation of the fundamental right to life, how could one hope to realize the ambitious human rights standards of the United Nations Charter?

As the millennium came to a close, the world was again witnessing acts of genocide, she said. Genocide had been perpetrated for the past two years against the people of Bosnia, with the European Community and Security Council failing to stop the aggressor. Pakistan had contributed $1 million to the International Tribunal for the former Yugoslavia, representing 25 per cent of all funds raised to date.

In Jammu and Kashmir, 600,000 Indian troops had been deployed to suppress the Kashmiri struggle for freedom, Ms. Bhutto said . That campaign of gross human rights violations was "reminiscent of the darkest days of the Holocaust". Over 40,000 Kashmiri men, women and children had died. Pakistan had agreed to talks with India last month in the hope of addressing all aspects of the dispute. It had stressed that India must take visible steps to reduce the repression. Instead, that repression had increased.

The situation in Kashmir was intolerable, as was the world's silence, she said. The world community must demand that India lift the draconian emergency laws which allowed its army to commit all sorts of atrocities without being answerable to anyone. The resolution of the Kashmir issue would pave the way for the normalization of relations between Pakistan and India. Pakistan was committed to seeking a solution of the dispute through peaceful negotiations.

The Government of Pakistan believed that the promotion of respect for human rights was essential to strengthen democratic institutions, she said.

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In the post-cold war era, a change in thought and attitude was needed. Such a change should seek international solidarity between the rich and the poor, east and west, north and south, and between Christianity, Judaism, Islam, Hinduism and Buddhism. One must not succumb to the thesis that confrontation was an inevitable part of the human condition. "Our nations need to act in concert to save the heritage of mankind."

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United Nations

Press Release

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GREECE CALLS FOR PUNISHMENT OF 'ETHNIC CLEANSING' IN FORMER YUGOSLAVIA IN ADDRESS TO HUMAN RIGHTS COMMISSION

Calls on States to Abrogate Legislation Resulting In Impunity for Those Responsible for Grave Human Rights Violations

GENEVA, 1 February (UN Information Service) -- Georges Papandreou, Deputy Minister for Foreign Affairs of Greece, citing massive human rights violations in the former Yugoslavia, said that such crimes as "ethnic cleansing" should be punished. Addressing the Commission on behalf of the European Union, he commended the work of the Commission of Experts on war crimes in the former Yugoslavia and expressed the hope that there would be a smooth transition from its work to that of the Public Prosecutor of the International Tribunal for war crimes in the former Yugoslavia.

Mr. Papandreou called on States to abrogate legislation which led to impunity for those responsible for such grave human rights violations as torture, enforced disappearances and summary executions. Such violations should be prosecuted, thereby providing a firm basis for the rule of law. The issue of discrimination against women and violation of their human rights was also a matter of high priority for the Union.

Also this afternoon, the Commission considered the violations of human rights in the occupied Arab territories, including Palestine, hearing a statement by the representative of Austria. The following non-governmental organizations also spoke: the International Fellowship of Reconciliation, Amnesty International, the World Organization against Torture and the International Confederation of Free Trade Unions (ICFTU).

The representatives of India and Pakistan spoke in exercise of the right of reply, following the address this morning by Benazir Bhutto, Prime Minister of Pakistan.

Human Rights Violations in Occupied Arab Territories

The Commission had before it a report by Rene Felber of Switzerland, Rapporteur on the human rights situation in the occupied Palestinian

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territories since 1967 (document E/CN.4/1994/9). In it, he states that his trip last month to the occupied territories made him the first holder of an official mandate of the Commission to be able to go to the territories and talk freely to his interlocutors.

During his talks with Palestinian non-governmental organizations, he raised such issues as political prisoners held in Israel, military decrees and the Palestinians' right to property, the report states. Of greatest concern was the question of Israeli settlements in the Palestinian territories. It was also a matter of concern that the deaths of Palestinians and Israelis has not decreased since the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization (PLO) on 13 September 1993.

Also before the Commission was a statement dated 14 May 1993 from the League of Arab States to the Centre for Human Rights (document E/CN.4/1994/9), calling on the international community to pressure Israel to respect United Nations resolutions and the Fourth Geneva Convention. A report by the Secretary-General (document E/CN.4/1994/12) includes information on activities undertaken by the Department of Public Information (DPI) on the question of Palestinian rights.

Among other reports before the Commission were a list of United Nations reports, issued between sessions of the Commission, on the conditions of Palestinians living under Israeli occupation (document E/CN.4/1994/13); the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (document A/48/96); and two periodic reports of the Special Committee (document A/48/278 and 557).

Statements

HELMUT BOECK (Austria) commended the reasonable and moderate course of action which led to the mutual recognition between Israel and the PLO and the signing of the Declaration of Principles. The PLO and the Israeli Government deserved the respect of the international community for their visionary and courageous decision. The limited autonomy for the Gaza Strip and Jericho, as foreseen in the Declaration, was only a first step and a partial solution to the legitimate claims of the Palestinian people. Nevertheless, it demonstrated the constructive approach adopted by all parties.

However, peace could only be guaranteed if the successes achieved at the negotiation table were also reflected by conditions on the ground, he said. The various measures agreed upon must be implemented without delay, as the atmosphere of mutual trust and understanding was still fragile. The increasing number of incidents in which Palestinian extremists and Israeli settlers resorted to violence and to the murder of innocent civilians in the occupied territories was a matter of concern. He urged the Israeli security forces and the emerging Palestinian police force for Jericho and Gaza to restore the rule of law in the territories and in the future autonomous areas.

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Austria was a full partner in the multilateral peace negotiations, he said. With the Commission of the European Union, it was executing a feasibility study concerning electric networks in the Middle East. It also intended to help to build a basic health-care administration in the occupied territories and to promote such environmental projects as establishment of a data bank and of a code of conduct to harmonize national environmental regulations. Austria had taken an active part in the deliberations of all working groups and had submitted tangible proposals for cooperation among the partners in the region.

DAVID LITTMAN, of the International Fellowship of Reconciliation, said he had proposed last year that negotiations begin with a view to placing the Gaza Strip under a 10-year United Nations mandate. Should problems arise in the current negotiations, an interim United Nations mandate for Gaza -- to be negotiated between Israel and the designated High Contracting Parties -- might yet prove to be the eventual solution. Fortunately, the General Assembly recently adopted a nearly unanimous resolution on the Middle East peace process. Members should now be encouraged to follow in the path of General Assembly resolution 48/58, which considered "that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles could make a positive contribution".

It was now the propitious moment for King Hassan II of Morocco, as Commander of the Faithful, to make a royal visit to Jerusalem to pray at the Al-Aqsa Mosque on the Temple Mount, and perhaps King Hussein of Jordan might join him, he said. Pope John Paul II should also hasten his decision to make a papal pilgrimage to the Holy Sepulchre at Easter time, in a symbolic gesture of reconciliation, perhaps flanked by Orthodox partriarchs and Protestant ministers. The Commission must take positive and pragmatic actions aimed at helping both parties along the difficult road towards reconciliation.

CLAUDIO CORDONE, of Amnesty International, drew attention to the detention or imprisonment of some 10,000 Palestinians, the situation in south Lebanon and the killings of Palestinian and Israeli civilians. He called for the immediate and unconditional release of those who were being held solely for belonging to Palestinian organizations, raising the Palestinian flag or other non-violent political offences. All administrative detainees accused of violence should receive a fair and prompt trial or be released. The basic human rights of any Lebanese, Israelis or others known to be detained or still unaccounted for must not be used as bargaining chips. Their rights should be fully restored regardless of any negotiations now taking place.

During 1993, about 150 Palestinians were shot dead by Israeli forces, he said. In some such killings, particularly those of children, the Israeli authorities had expressed regret. That was not enough. Human rights violation should be prevented. When they occurred, they should be promptly, thoroughly and impartially investigated, those responsible brought to justice, and the victims or their families compensated. He also called on all Palestinian groups, whether they supported or opposed the current peace negotiations, to refrain from committing human rights abuses and to respect at all times basic principles of humanitarian law.

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GEORGES PAPANDREOU, Deputy Minister for Foreign Affairs of Greece, speaking on behalf of the European Union, said that despite recent positive changes in the field of human rights, especially in the area of democratic freedoms, the overall situation still gave rise to concern. The effective protection of human rights still lagged far behind the impressive catalogue of existing human rights norms and standards. Human rights violations had continued to occur since last year and a number of situations had assumed new dimensions of horror. Nevertheless, it would be unreasonable to give way to pessimism. There had been real steps towards peace in the world, such as the progress achieved in the Middle East peace process and the developments in South Africa.

However, in the former Yugoslavia, massive human rights violations had been carried out by all sides without punishment of the perpetrators, he said. Such crimes as "ethnic cleansing" should be punished. The European Union commended the work of the United Nations Commission of Experts on war crimes in the former Yugoslavia in investigating and analyzing evidence of breaches of international humanitarian law. As that body would have to end its work by 30 April, it would not be able to carry out all the investigations it had planned. He expressed the hope that there would be a smooth transition from the Commission to the work of the Public Prosecutor of the International Tribunal for the prosecution of war crimes in the former Yugoslavia.

He said the increasing participation of world political leaders in the Commission's work, as well as the growing interest of the media and public opinion in that work, were encouraging signs of the higher priority which the international community now attached to human rights. He also welcomed the active participation of human rights defenders and non-governmental organizations. Their contributions reflected wide practical experience and deep commitment to the cause of human rights, sometimes at great risk to their lives. Within that context, the protection of media professionals, including journalists, was of particular importance.

The European Union was exploring initiatives for the follow-up to the Vienna Declaration and Programme of Action. One area of primary interest was the prevention of torture. States should abrogate legislation which led to impunity for those responsible for such grave human rights violations as torture, enforced disappearances and summary executions. Such violations should be prosecuted, thereby providing a firm basis for the rule of law. The issue of discrimination against women and violation of their human rights was also a matter of high priority for the Union.

KATHERINE MANN, of the World Organization against Torture, said that despite the release of 700 Palestinian political prisoners late last year, some 12,000 political prisoners were still being detained. They were being held in appalling conditions, without adequate food and clothing, and many were subjected to torture, cruel or inhuman and degrading treatment and punishment. She called on the Commission to exhort the Government of Israel to release all political prisoners, or at least to bring them to a fair and impartial trial. There had also been many arbitrary killings and summary executions by members of the Israeli military.

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She drew attention to the anticipated partial withdrawal of Israeli troops from the occupied territories and the transfer of limited powers to the Palestinian authorities. That development must not be allowed to permit an increase in repressive violence by Palestinian groups against fellow Palestinians or the settler population. Given the fragile nature of the peace process and the ambiguous implications of semi-autonomy in the region, a first step would be the recognition and implementation by Israel of the Geneva Conventions and other international instruments to which Israel had acceded.

DAN CUNNIAH, of the International Confederation of Free Trade Unions, said a major international assistance programme in housing, sanitation, education and health services would be the most effective way of demonstrating to Palestinians that peace worked. That applied particularly to those in the Gaza Strip and the West Bank town of Jericho. The Histadrut (General Federation of Labour in Israel) had met with the leaders of Palestinian unions on several occasions last year. They decided to set up a joint working party to formulate areas of cooperation, including workers' education courses and the examination of Palestinian workers' rights in Israel. Socio-economic cooperation between the two peoples was essential for a just and lasting peace in the region.

From 17 to 21 January, a delegation of the Confederation had visited the occupied territories, in order to express its solidarity with Palestinian workers and identify areas where urgent development cooperation assistance was needed. They were appalled by the inhuman conditions in which thousands of camp refugees were living. That situation provided fertile ground for extremists who were bent on wrecking the peace process by fostering a climate of violence, fear and intimidation. The emerging independent and democratic Palestinian trade unions could play an effective role in promoting the rapid economic reconstruction and development of the territories.

Right of Reply

FAROOQ ABDULLAH (India), speaking in exercise of the right of reply to this morning's address by Prime Minister Benazir Bhutto of Pakistan, said the people of Jammu and Kashmir had been crying out for freedom from Pakistan for years. The region was being maintained as a part of Pakistan -- what kind of freedom was that? In Pakistan, human rights violations occurred all the time and very few minorities existed in peace.. Mosques were burned, Muslim schools closed, the "Shia" faced persecution and refugees were created. Pakistan gave training to Kashmiris and supported them in their uprising in Jammu and Kashmir. Pakistan threatened war and claimed it had nuclear weapons. India was ready to talk peace. Kashmir was India and India wanted peace. United Nations resolutions had called for Pakistan to leave Kashmir but it had not yet done so.

IQBAL AKHUND (Pakistan) said India had used its usual timeworn tactics of rhetoric, but had not responded to the issues raised by the Prime Minister's speech. Pakistan was not responsible for human rights violations in Kashmir. Tens of thousands had been killed and thousands raped by Indian troops, as a matter of deliberate policy. The guilty were not only those who committed

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those acts, but those who had established the policy. Let India agree to visits by impartial observers and human rights organizations. Pakistan was willing; why wasn't India? If those abuses were being committed by Pakistan, why wouldn't India want independent confirmation of it? India should let the Kashmiris vote to decide their own future.

Mr. ABDULLAH (India) said Pakistan had never waited for the accession of Sheikh Abdullah. It had sent in the tribesmen and the rest was history. Pakistan was training and arming Kashmiris to rise against India. No fact-finding mission was necessary, because the area was open to all. He called on Pakistan to talk of peace now and to cease terrorism. Enough was enough, he said.

Mr. AKHUND (Pakistan) stressed the need to focus on United Nations resolutions and to implement them. Why did India refuse? The only independent group allowed to visit the Kashmir region in four years, the International Commission of Jurists, had been heavily restricted while conducting its investigation. Clearly India had something to hide.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/505
4 February 1994

NEW APPROACH NEEDED FOR PROTECTION OF MINORITIES, WOMEN, INDIGENOUS PEOPLES, FINNISH FOREIGN MINISTER TELLS HUMAN RIGHTS COMMISSION

Special Rapporteurs Discuss Situation in Occupied Palestinian Territories; the Use of Mercenaries

GENEVA, 2 February (UN Information Service) -- Heikki Haavisto, Foreign Minister of Finland, this morning said new approaches and measures must be developed for the protection of minorities, women and indigenous peoples. He said priority should be given to completing the drafting of the declaration on the fights of indigenous people.

Addressing the Commission on Human Rights, he said consideration should also be given to establishing a permanent forum for indigenous peoples. Stressing the importance of conflict prevention, he said an ounce of prevention was worth more than a ton of punishment. Prevention in its deepest sense meant attacking the root causes of conflict, and should target economic and social conditions as well as political indicators.

Also this morning, Special Rapporteur Rene Felber of Switzerland reviewed the situation in the occupied Palestinian territories. Special Rapporteur Enrique Bernales Ballesteros of Peru reported on the role of mercenaries in human rights violations.

Mr. Felber said that on his recent visit to the occupied territories, he had seen the depth of the desire for peace, as well as the width of the mistrust separating Israelis and Palestinians. While the residents of Jericho and the Gaza Strip would regain their dignity as citizens under autonomy, one should not forget those Palestinians who would not benefit from that arrangement. Positive developments in the human rights situation would promote a political solution for the entire region, he said.

Mr. Ballesteros said that in 1993, Africa continued to be the continent most affected by the problem of mercenaries. The Commission should act to support Peace Accords in Angola and take steps towards eliminating the presence of mercenaries there. In the former Yugoslavia, the Commission should condemn the use of mercenaries by any of the parties and recommend that

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the International Tribunal for the former Yugoslavia consider the presence of mercenaries as an aggravating factor.

Statements were also made by the representatives of China, Sudan, Brazil, Syria, Canada and Greece (on behalf of the European Union), the observer for Morocco, and a representative of the International Commission of Jurists.

Address by Foreign Minister of Finland

HEIKKI HAAVISTO, Minister for Foreign Affairs of Finland, said that at the World Conference on Human Rights last summer Finland had two basic goals: the strengthening of the human rights principles, instruments and mechanisms; and agreement on a forward-looking, action-oriented programme of work. The Conference was a success; it marked a shift in the international discussion of human rights. The post of the High Commissioner for Human Rights was a symbol of that increased international concern for human rights.

At its current session, the Commission should integrate the follow-up of the Vienna Conference in its own work, beginning the system-wide integration of the human rights dimension in the United Nations, he said. That was also a fundamental task for the High Commissioner. An integrated approach would eventually require the formulation of a joint strategy for human rights, development, democracy and security. The United Nations was the proper forum for creating such a synthesis.

A well-rooted human rights culture was needed in order to build democratic security, he said. Security was not just a matter of weapons -- it was also a matter of social and economic concerns and human dignity. The international community must now take conflict prevention seriously. An ounce of prevention was worth more than a ton of punishment. Prevention in its deepest sense meant attacking the root causes of conflict. Preventive diplomacy, with early-warning and fact-finding mechanisms, should target economic and social conditions as well as political indicators.

Poverty was a threat to progress and security and widespread poverty was a serious obstacle to the full enjoyment of human rights, he said. Human rights and development were interdependent. Human rights, as the basis for a democratic society, put the human being at the centre of the development process. Much remained to be done to make women and the gender perspective matter in human rights work. Finland was actively engaged in addressing the equality between men and women.

New approaches and measures must be developed for the protection of minorities, women and indigenous peoples, Mr. Haavisto said. It should now be a matter of priority to complete the drafting of the declaration on the rights of indigenous people. Consideration should also be given to establishing a permanent forum for indigenous peoples. New challenges made it imperative that the Commission launch a comprehensive review and reform of its work. Finland expected effectiveness, transparency and cost-efficiency elsewhere in the United Nations system and it expected the same here.

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Introduction of Reports

RENE FELBER, Special Rapporteur, introduced his report on the human rights situation in the Palestinian territories occupied since 1967 (document E/CN.4/1994/9). He said the 13 September Declaration of Principles should not lead one to neglect the obstacles that would arise on the road to peace until a stable political situation was achieved in the Middle East. During his brief stay in the region last month, he had seen the depth of the desire for peace, as well as the width of the mistrust separating Israelis and Palestinians.

While it was certain that the residents of Jericho and the Gaza Strip would regain their dignity as citizens in a regime of autonomy, one should not forget those Palestinians who would not benefit from that arrangement, he said. Positive developments in the human rights situation would promote a political solution for the entire region. Israel, as a democratic State, would be in a position to act as a rebuilder.

Also before the Commission was a report of the Secretary-General on the situation in occupied Palestine and on Israel's compliance with Commission resolution 1993/4. Among other things, that text calls on Israel to comply with its obligations under the United Nations Charter and under international law, and to withdraw from the territories it has occupied by force since 1967. No reply had been received from Israel to the note verbale sent by the Secretary-General requesting information on the implementation of that resolution, the report states.

ENRIQUE BERNALES BALLESTEROS, Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding exercise of the right to self-determination, introduced his report on the subject (document E/CN.4/1994/23). The report provides information received by him on mercenary activities in Africa, the former Yugoslavia and some States of the former Soviet Union.

In 1993, Africa continued to be the continent most affected by that problem, Mr. Ballesteros said . Reports from the Government of Angola said most of the mercenaries involved in the conflict there were from South Africa and Zaire. The Commission should act to support Peace Accords in Angola and take steps towards eliminating the presence of mercenaries there. In South Africa, much progress had been made in dismantling apartheid. Nevertheless, the activities of violent groups working to prevent the elimination of apartheid should not be underestimated.

In the former Yugoslavia, it was not a question of whether foreigners were participating but of how many were acting as mercenaries, he said. The Commission should condemn the use of mercenaries by any of the parties and recommend that the International Tribunal for the former Yugoslavia consider the presence of mercenaries as an aggravating factor.

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Statements

JIM YONGJIAN (China) said the Commission's central task involved addressing gross human rights violations caused by colonialism, racism, foreign aggression, occupation and alien domination. Its annual consideration of the situation in the occupied Arab territories was therefore necessary. The signing of the Palestine Liberation Organization (PLO)-Israeli Agreement did not represent the complete settlement of the situation in the Middle East. Neither did it entail the complete realization of all rights, including the Palestinians' right to self-determination.

The Commission and the international community continue their efforts aimed at pushing both sides towards a peaceful settlement, he said. The occupied Arab territories must be returned, the legitimate rights of the Palestinian people restored and all their human rights and fundamental freedoms fully guaranteed. Meanwhile, the sovereignty and security of all countries of the region, including Israel, must be respected and guaranteed.

ALI AHMED SAHLOOL (Sudan) said all the reports before the Commission detailed Israel's flagrant violation of the human rights of the Palestinian people. Israel refused to comply with the relevant resolutions of the United Nations, the Commission and its Subcommission. Israel had distorted the ideas contained in the Washington Peace Accord, as demonstrated by its slowness in applying the Accord. That tardiness was an attempt to divide the Palestinian leadership and to gain political advantage.

Israel should immediately withdraw from all the occupied lands, he said. The world could not stand idly by. It should influence Israel to recognize the Palestinian people, allow them to pursue their right to self-determination, and permit the return of all. Israel's instransigence could also be seen in the settlement-building on the Syrian Golan. Israel should withdraw from southern Lebanon and release all Lebanese prisoners.

GILBERTO V. SABOIA (Brazil) said the agreement between Israel and the PLO deserved the strongest endorsement of the international community. One could now envisage a definitive settlement. He expressed the hope that all parties would soon be able to conclude accords guaranteeing a durable and just peace in the region. Brazil remained gravely concerned about the acts of violence by those who tried to abort the still fragile peace settlement.

The question of self-determination had become increasingly intricate and sensitive, particularly when it was mingled with ethnic conflicts and minority problems, he said. The right to self-determination could not be invoked to encourage actions which might dismember or impair the territorial integrity or political unity of sovereign States, whose Governments represented the whole population without distinction of any kind. The best guarantee against internal conflict and separatism was a truly democratic and representative political process, open to genuine participation by all citizens. Despite the unfortunate resurgence of ethnic conflicts and minority problems, many countries had been able to establish societies where various individuals and groups co-existed in a harmonious fashion.

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CLOVIS KHOURY (Syria) said the human rights situation in the occupied Arab territories, including Palestine, had constantly worsened during Israel's 25-year-old occupation. The Commission should condemn Israel's policies of repression and its illegal actions. The confiscation of land on the Golan Heights continued unabated and new settlements were being created all the time. Agricultural establishments showed that Israelis intended to stay.

Moreover, Israel's budget this year allowed for a continuing influx of Israelis into the Golan, he said. Prime Minister Rabin's proposal for a referendum on the Golan showed Israel's lack of seriousness regarding its wish for peace. Peace could not be built on occupied territories or on violation of human rights. However, Syria was serious about peace. The Commission should condemn Israel's continuing human rights violations.

ANNE PARK (Canada) said her country admired Israel's efforts to achieve peace but was disappointed about the human rights situation in the occupied territories. The breakthrough in the peace process had yet to be matched by progress in human rights. The historic Washington Accord had not yet improved the Palestinians' daily lot. That issue must be addressed urgently before the disappointment of some and the outright hostility of others did lasting damage to the peace process.

She cited the repatriation of the Palestinians who were expelled in December 1992 and said Canada counted on Israel to end the practice of expulsions. It was hoped that through application of the Declaration and the withdrawal of Israeli forces, the human rights problems would be addressed. However, until Palestinian authorities took up their new responsibilities, it was necessary to rely on the Fourth Geneva Convention and the obligations it placed on the occupying Power. In the meantime, Canada would continue to support confidence-building measures. When peace was established between Palestinians and Israelis and economic and democratic development took shape in the territories, peace should spread throughout the region.

EMMANUEL MEGALOKONOMOS (Greece), speaking on behalf of the European Union, paid tribute to the Israeli and Palestinian leaders for their courage and vision and welcomed the recent Jordanian-Israeli agreement on the common agenda. He hoped that as the peace process developed recourse to violence and its vicious cycle would not recur and that the human rights situation would improve significantly. Both the Israelis and Palestinians had an important role to play in promoting the observance of human rights in the changing context.

The Union offered its continuing political support and readiness to participate in further international arrangements aimed at implementation of the agreement of 13 September 1993, he said. It had in 1993 provided more than 70 million ECUs (European Currency Units) in aid to the occupied territories and would provide 500 million ECUs to assist the Palestinian people during the period 1994-1998. That figure was in addition to bilateral aid and to assistance granted to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

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The European Union remained committed to a comprehensive, just and lasting solution to the Arab-Israeli conflict based on Security Council resolutions 242 (1967) and 338 (1973), he said. The full implementation of those resolutions were an integral part of the terms of reference of the peace process initiated in Madrid in 1991. The significance of the situation in Jerusalem, holy city to the three monotheistic religions, should also be stressed. It was of paramount importance to ensure the freedom of everyone to live there and to have access to the places of worship in Jerusalem.

ADAMA DIENG, of the International Commission of Jurists, said he had visited the occupied territories last December, leading a two-week mission to study the situation of the civilian courts there. There was cynicism in Jericho about the practical impact of the Declaration of Principles, since Israeli troop withdrawal had not taken place. The civilian legal system in the occupied territories appeared to be completely disrupted. The Israeli military authorities had issued more than 2,000 military orders in the West Bank and Gaza, most of which were illegal under international law. Israeli and Palestinian lawyers, judges and human rights activists had painted a disturbing picture of the status of the judiciary and the legal profession.

He said it appeared that the population of the West Bank and Gaza hoped the incoming Palestinian authority would respect human rights. He called on the Palestinian authorities to set up a committee of Palestinian judges and lawyers from the West Bank and Gaza. When drafting Palestinian legal instruments, there should be the widest possible consultation of all sectors of society at every stage.

MOHAMED LAGHMARI (Morocco) said that despite such positive developments as the signing of the Accord between the Israeli and Palestinian people, Israel had not taken steps to redress the human rights situation in the occupied territories. The report of the Special Committee on Israeli Practices testified to the continuation of human rights there. He welcomed the reception in Israel of Rene Felber, Special Rapporteur on human rights in the occupied Arab territories. A new situation should be born as a result of the Washington Accord. However, Israel had complied with the agreed date for its withdrawal and was violating the Declaration in terms of the status of the holy places in Jerusalem.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/506
4 February 1994

PALESTINIAN PEOPLE NEED INCREASED INTERNATIONAL ASSISTANCE, HUMAN RIGHTS COMMISSION TOLD

GENEVA, 2 February (UN Information Service) -- The representative of Indonesia told the Human Rights Commission this afternoon that remedial measures must be taken immediately to redress the critical socio-economic problems facing the Palestinian people, by establishing viable economic links with neighbouring countries. Intensified international efforts were also essential to ensure a secure future for the Palestinian nation.

The representative of India said that support for the peace process would require multifaceted assistance to Palestine, particularly in the fields of health, education and employment. India had pledged $1 million at the Washington Donors' Conference, to be disbursed to the self-government authority in Gaza and Jericho in the form of goods.

Statements were also made by the representatives of Algeria and Poland, as well as by the following non-governmental organizations: the Commission for the Defence of Human Rights in Central America, Centre Europe-Tiers Monde and the International League for the Rights and Liberation of Peoples.

Statements

ADIAN SILALAHI (Indonesia) said it was deplorable that despite the signing of the Declaration of Principles on Interim Self-Governing Arrangements by the Palestine Liberation Organization (PLO) and Israel, the Palestinian people were still subjected to arbitrary arrests, summary executions, house demolitions, land confiscations and economic blockade. Nevertheless, the momentum generated by the accords should not be allowed to dissipate. Indonesia fully endorsed the Palestinian demand that interim arrangements must include the Palestinians' right to exercise jurisdiction over all the occupied territories, including total control of their political and economic affairs.

Remedial measures must be taken immediately to redress the critical socio-economic problems facing the Palestinians by establishing viable economic links with neighbouring countries, he said. Intensified international efforts were also essential to lay the economic foundations necessary to ensure a secure future for the Palestinian nation. Peace initiatives should be reinforced by

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sustained negotiations on other outstanding issues, including the status of Jerusalem, equity for refugees and the dismantling of settlements.

FAROOQ ABDULLAH (India) said the signing of the Declaration of Principles promised to end the strife and discord which had bedevilled West Asia for decades. India was one of the first countries to recognize a state of Palestine in 1988, and would continue to support efforts towards peace in West Asia. Supporting the peace process would require multifaceted assistance to Palestine, particularly in the fields of health, education and employment. India had pledged $1 million at the Washington Donors' Conference, to be disbursed to the self-government authority in Gaza and Jericho in the form of goods. He expressed the hope that Israel and the PLO would continue their efforts to evolve a plan for coexistence in amity and cooperation.

ANA ESTHER POSADA, of the Commission for the Defence of Human Rights in Central America, condemned United States interference in the politics of Central American States. Recently, the World Bank and other international financial institutions had imposed certain economic policies on some countries, thus violating their right to self-determination. Structural adjustment policies had cut back vital social programmes and encouraged private investments. Such policies gave privileges to the elite while limiting the economic, social and cultural rights of the majority.

In Nicaragua, she said, such interference was attributable to the United States. In today's unipolar world, the United States and its allies were imposing their will. In Panama, the right to privacy was being violated, and some who complained had then been threatened. Panama had the right to self-determination, a right that could not be violated by the invocation of any other right.

MEGHLAOUI HOCINE (Algeria) said he had been struck by Yasser Arafat's willingness to work for peace and for the Palestinian people, as expressed in his address to the Commission yesterday. The Palestinian victims of human rights violations were under foreign occupation and were thus entitled to special protection under international law. Peace would be achieved when the Palestinians' national rights were restored. Algeria had taken part in the peace process, welcomed the Declaration of Principles and pledged $10 million at the Donors' Conference for the Palestinians. He expressed the hope that the Special Rapporteur on human rights violations in the occupied territories, including Palestine, would be able to continue his work.

The impact of the use of mercenaries on the right to self-determination was a problem that still loomed large over Africa, he said. Governments must make a firm commitment to eradicate that scourge. Algeria imposed prison terms of 10 to 20 years and fines on any national conscripted in armed forces abroad. Algeria had always supported peoples who were struggling for their right to self-determination and independence. It backed the efforts of the Secretary-General to organize and supervise, in cooperation with the Organization of African Unity (OAU), a referendum for self-determination in Western Sahara.

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MALIKA OZDEN, of Centre Europe-Tiers Monde, stressed the urgency of the human rights situation in Sri Lanka and suggested that the Secretary-General might offer his good offices in support of the Tamil people's right to self-determination. The Saharaoui people in Western Sahara were also being denied their right to self-determination. They were the last African people to attain that right, and had been waiting for 31 years. Regardless of what Morocco said, it was clearly a question of decolonization. Morocco had violated the cease-fire repeatedly and clearly opposed the United Nations plan.

The international community was operating according to double standards, he said. The United Nations had been indignant at Iraq's occupation of Kuwait. Where was its indignation at Morocco over its occupation of Western Sahara since 1975? The United Nations should break its silence regarding the obstacles to its 1991 peace plan for Western Sahara, which should be implemented immediately.

JACEU TUSZKO (Poland) drew attention to a statement by the Special Rapporteur on mercenaries, who said that Chris Hani of South Africa had been assassinated by a Polish mercenary. Mr. Tuszko wished to point out that when the assassination occurred, the assassin was a resident of South Africa.

VERENA GRAF, of the International League for the Rights and Liberation of Peoples, said that violation of the Palestinians' human rights had continued unabated since the Commission's session last year. The actual number of cases had actually escalated over the past few months. The confidence and trust which the PLO had chosen to place in the Israelis had not yet been fulfilled. The Commission must consider the Palestinian tragedy in terms of human rights, rather than in political terms. The Israeli occupation was a denial of the fundamental human right to self-determination and should never be a matter of negotiation.

The Commission must act to guarantee the individual and collective human rights of the Palestinian people, she said. First and foremost, it must recommend that the General Assembly resist any attempt to abolish or rescind any of its resolutions or those of the Security Council. The right to compensation, the fight against impunity, the condemnation of massacres, bombings and invasions, and the condemnation of the violation of international human rights standards, must not be jeopardized. The mistakes of humanity must be recorded for posterity.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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7 February 1994

INDIAN FINANCE MINISTER ADDRESSES HUMAN RIGHTS COMMISSION

Says India Will 'Never Surrender'
To Foreign-Sponsored Terrorism in Jammu and Kashmir

GENEVA, 3 February (UN Information Service) -- India's Minister for Finance, Manmohan Singh, this morning told the Commission on Human Rights that terrorism "of unparalleled ferocity", supported from abroad, was being used in Jammu and Kashmir to threaten India's secular, democratic, pluralistic civil order.

Mr. Singh's statements came two days after Pakistani Prime Minister Benazir Bhutto charged before the Commission that Indian security forces were committing major offenses against residents of the disputed territory and that India was interfering with the right of citizens there to self-determination. Mr. Singh said this morning that Ms. Bhutto had conveyed "a wholly erroneous view of the state of affairs in the Indian state of Jammu and Kashmir" and that she had levied "baseless charges" against his country.

Also this morning, the Commission considered questions relating to the right to self-determination and the human rights situation in the occupied Arab territories. Statements were made by the representatives of China, Australia, Cuba, Poland, Cyprus, Japan, Malaysia and Pakistan, as well as by the observers for Turkey, Norway (for the Nordic countries) and the Pan Africanist Congress of Azania (PAC). The following non-governmental organizations also spoke: Pax Christi International; the International League for the Rights and Liberation of Peoples; and the World Muslim Congress.

Statements

MANMOHAN SINGH, Minister for Finance of India, said the World Conference on Human Rights had recognized the necessity of striking a balance between the requirements of political and civil rights, on the one hand, and the socio-economic aspirations of the global community, on the other. Sustained and equitable development strengthened democracy by promoting a culture of

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tolerance and the peaceful resolution of social and economic conflicts. Both democracy and development were essential for the sustenance and nurturing of human rights.

The delicate balance of a pluralistic democracy was nurtured by respect for the rule of law, he said. Unfortunately the very aim of the terrorist was to destroy the rule of law, through calculated violence against the individual and the State. If not checked, such an approach could have disastrous effects on the orderly functioning of most societies. Terrorism of unparalleled ferocity was afflicting some parts of India. The foreign sponsor of terrorist violence sought to destroy India's secular, democratic pluralistic civil order, in a blatant pursuit of territorial gains. That goal had been ruthlessly pursued.

Over a four-year period, more than 7,000 persons had lost their lives, he said. The range and sophistication of the arms recovered from the terrorists were enough to equip four divisions of a regular army. The misery inflicted by terrorists on peaceful citizens should be obvious from the fact that nearly 300,000 Indian citizens, both Hindu and Muslim, had had to flee their homes to other parts of India, becoming refugees in their own homeland. In order to protect the human rights of millions of its citizens, the Government had enacted special legislation. However, in all such special legislation, scrupulous care had been taken to protect the rights of the individual under due process of law.

Indian officials knew that some aberrations on the part of the law-enforcing authorities could and did take place, particularly in confronting terrorism, he said. It had no desire to hide those aberrations under the carpet. India had a strong tradition of punishing human rights violations wherever they occurred. It had also provided access to countless diplomats, journalists and political leaders to visit all parts of the country, including terrorist-affected areas, to judge for themselves the enormity and complexity of the democratic experiment that India had undertaken.

India would never surrender to the disruptive and evil forces of terrorism, he continued. India's struggle was part of a world-wide struggle to promote the rule of law rather than the rule of the gun. It was a struggle for democracy against authoritarianism, for reason, compassion and rationality against forces which fanned religious fanaticism and promoted communal hatred. It was a struggle for a world order which celebrated human diversity and cultural pluralism against the imposition of rigid, dull and monotonous uniformity. India sought the world community's sympathy, understanding and support in its struggle against terrorism.

He said it was most unfortunate that the distinguished Prime Minister of Pakistan, for whom India had great respect and regard, had used this forum to convey a wholly erroneous view of the state of affairs in the Indian state of Jammu and Kashmir. She had levied baseless charges against India.

ZHANG YISHAN (China) said that respect for the sovereign equality of each State, the equal rights of all peoples and the principle of self-determination

were important elements of the United Nations Charter. Respect for the right of peoples to self-determination meant opposing any foreign aggression, interference and domination. It also meant safeguarding the independence, sovereignty and territorial integrity of States and ensuring that the people of each country could freely determine their political status, social system and economic development model.

He said the right of self-determination must not be used as a pretext to support aggression or to infringe upon the territorial integrity, sovereignty and political independence of any State. It had been demonstrated that any distorted application of the principle of self-determination would only lead to or exacerbate ethnic conflict and social upheaval. It might even result in civil war or regional conflict, thereby posing a grave threat to world peace and security.

He said his country welcomed the recent political developments in the Middle East and hoped that positive results would emerge from the ongoing negotiations, so the Palestinian people would be able to exercise their right to self-determination. He expressed the hope that a comprehensive, fair and thorough solution to the Middle East and Palestinian question could be found as soon as possible.

PETER WOOLCOTT (Australia) said that despite the signing of the Declaration of Principles, violence in the occupied territories remained at disturbingly high levels. His Government was concerned at the continued violence between Israelis and Palestinians and the killing and wounding of Palestinians by other Palestinians. He called on Israel to accept the de jure applicability of the Fourth Geneva Convention to the territories and to refrain from measures in violation of the Convention. Australia's policy towards the Middle East was based on two main premises: a total commitment to Israel's right to exist within secure and recognized boundaries; and recognition of the Palestinian people's right to self-determination, including their right to independence and an independent State.

The right to self-determination had defied tidy definition, he said. Realization of that right to self-determination was not limited in time to the process of decolonization, nor was it accomplished solely as a single act or exercise. It entailed the continuing right of all peoples and individuals within each State to participate fully in the political process by which they were governed.

JOSÉ PEREZ NOVOA (Cuba) said that stopping the human rights violations in Palestine and the occupied territories was the goal of the international community in its search for a lasting peace in the region. Israel's holding of huge numbers of Palestinian prisoners, its disrespect for the Fourth Geneva Convention and its denial of the right to self-determination demonstrated its continuing violation of the Palestinians' rights. Cuba had stood beside the Palestinian people and would continue to do so. Israel should live up to United Nations resolutions, cease all human rights violations and respect the principles of international law. The Commission should continue to condemn Israel's practices. Cuba rejected the attempts to downplay the importance of

those grave and serious violations of human rights by those who tried to change this agenda item into a sub-section of another item.

JACEK TYSZKO (Poland) said the current consideration of the human rights situation in the occupied territories was taking place at a time of hope. There were signs of progress and real prospects for a just and peaceful solution, which should be guided by respect for the rights and fundamental freedoms of every human being, irrespective of national and ethnic origin or race. His country wished to express its deepest appreciation and respect for those, from all sides of the conflict, who promoted understanding among people. The major task now facing the international community, the United Nations and the Commission, was to provide all possible support to efforts aimed at establishing democratic order, based on human rights for all.

LORIA MARKIDES (Cyprus) expressed disappointment that, despite negotiations under way between the Palestine Liberation Organization (PLO) and Israel, the situation in the occupied territories remained static and grave human rights abuses still occurred. There could be no peace under conditions of occupation. Indeed, occupation itself constituted a violation of human rights. Cyprus itself had been a victim of occupation and systematic human rights violations for 20 years and naturally opposed occupation wherever it occurred. He called for implementation of the Declaration of Principles and an improvement in the human rights situation in the territories. Although the Declaration was a courageous step, present and future difficulties should not be underestimated.

SHOHEI NAITO (Japan) expressed the hope that recent developments would lead to further progress in the negotiations between Israel and the Arab parties. All parties should refrain from acts of violence and promote the observance of human rights. That would include the full application by Israel of the Fourth Geneva Convention.

He said that economic progress was crucial to progress on political questions. With that in mind, the representatives of 46 countries and international organizations had gathered in Washington in October 1993 to reaffirm their commitment to improving the living conditions of the Palestinian people in the short term, as well as to establishing a structure for long-term economic growth. Japan would contribute some $200 million to that end over the next two years. That would include grants for health and medical development and concessional loans for infrastructure development. Broad and deep economic interaction throughout the region was essential to ensure a lasting solution to the question of Palestine.

RAGNE BIRTE LUND (Norway), speaking on behalf of the Nordic countries, said it was important to support the Middle East peace process through substantial economic assistance to the occupied territories. The Nordic countries were important contributors of economic assistance and would continue to work for the effective coordination of international assistance. The encouraging developments in the peace process last year had opened up opportunities for an improvement in the human rights situation in the region.

Nevertheless, an increase in the number of children injured and killed and the continued closure of schools was having a particularly tragic effect on the future generation, he said. Unfortunately, in the months since the signing of the Declaration of Principles, there had been an increase in violence in the territories, partly as a result of extremist groups who were trying to derail the peace process. Such action must be vigourously condemned.

The Nordic States wished to stress the importance of pursuing confidence-building measures. For Israel, that would include freezing the construction of new settlements and ceasing the expansion of those already existing. For the Arab side, lifting the trade boycott against Israel and foreign firms dealing with Israel would be an appropriate step.

GUNDUZ AKTAN (Turkey) said the Vienna Declaration of the World Conference on Human Rights had harmonized the principles of territorial integrity and self-determination. By adopting the Declaration unanimously, the international community voted to safeguard peace and stability in the post-cold war era. However, at a time when ethno-nationalism and tribalism were on the rise, recognition of the right to self-determination of every community with different ethnic, cultural, religious or linguistic characteristics would be detrimental to the new international order.

The concept of human rights held by the non-governmental organizations was very narrow, he said. It concerned the judicial rights of the ethnic terrorists. That situation had led to conceptual confusion in the United Nations, which was compounded when a third party was involved in the conflict. Since the United Nations Charter did not have any provision directly dealing with that kind of war, many countries had exploited the loopholes of the Charter. Armed bands, trained, indoctrinated, finaced and commanded from abroad, had infiltrated other countries, creating what were then seen as internal conflicts.

HARON SIRAJ (Malaysia) said the initial hopes and euphoria stemming from last September's agreement between the PLO and Israel had given way to uncertainty and despair. The deadline for the withdrawal of Israeli forces from Jericho and Gaza had come and gone, undermining the hopes of millions. There was still a great deal to be negotiated before justice could be rendered to all sides and true peace could become permanent. Since 1967, the Israeli authorities had relentlessly pursued the policy of annexation and settlement which, according to figures circulated by Israeli academics, had deprived the Palestinians of access to 60 per cent of the land in the West Bank.

The enormity of the human rights violations in the occupied territories and their durability undermined the international community's credibility and its commitment to promoting and protecting human rights, he said. The passivity of the international community was deplorable. Malaysia would fully support any initiative taken by Palestinian leaders to enable the Palestinian people to enjoy their full and legitimate rights, and to obtain the return of the occupied territories, including Al-Quds Al-Sharif.

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ANTHONY E. MIYENI, of the Pan Africanist Congress of Azania (PAC), said the Africans in South Africa had never had independence from colonialism or achieved self-determination. That country was now in a transition to a democratic future, in which self-determination would be achieved. South Africa should not be regarded as a sovereign, independent State until free and fair elections were conducted for elected representatives who would write a new constitution. The African people in South Africa had a right to international support and solidarity, even during the transition. The international community must lend its support to ensure that the forthcoming elections would be free and fair.

JACQUES VITTORI, of Pax Christi International, said the euphoria over the signing of the Declaration of Principles had subsided. Forty-six years of violence and suffering would just not disappear overnight. A great deal of educational work had to be done. The imbalance beteen occupied and occupier was palpable and tension between them persisted, manifesting in brutality and torture. A first stage in solving those problems would be to improve the living conditions of some Palestinian families. The existence of Israeli settlements hindered Israel's speedy withdrawal from Jericho and Gaza. He expressed the hope that the mandate of the Special Rapporteur on human rights in the occupied territories would be extended and that he would soon visit the area again, this time for a longer period.

IQBAL AKHUND (Pakistan) said the United Nations had originally called for a vote by the citizens in Jammu and Kashmir, in exercise of their right to self-determination, but India had not allowed it. Although Pakistan had cooperated with international guidelines prior to the expected vote, including demilitarization of the region, India had rejected all proposals. Today, there were 600,000 Indian troops in Kashmir, there for the sole purpose of keeping Kashmiris from exercising their right to self-determination. Rigged elections had been held from time to time, under India's sponsorship. In the last election, only 3 per cent of the population had gone to the polls. It was time for India to allow Kashmiris to decide their own future.

VERENA GRAF, of the International League for the Rights and Liberation of Peoples, said Turkey had amended its electoral law in order to prevent voting in Kurdistan, which would have expressed the will of the Kurdish people, although voting was to have taken place in each constituency, in the customary manner. However, special polling stations were now to be set up in which the ballot boxes would be under the vigilant eye of armed guards. The new procedure aimed at ensuring tighter control of electoral procedures and restricting normal access by the electorate.

In addition, military personnel in active service -- including over 380,000 soldiers now stationed in Turkish Kurdistan -- would for the first time be able to participate in the voting, she said. The Commission should call on Turkey to live up to its claim of being a democratic State and allow the Kurdish people to participate freely in the upcoming elections.

The decolonization of Western Sahara, interrupted in 1975, had not been completed because Morocco had reneged on its agreements, she said. Some

120,000 Moroccans had been moved onto Sahraoui territory. Instead of applying the Peace Plans, the Secretary-General was going to turn to the Security Council. In East Timor, the military forces which decided on the illegal and brutal invasion of the island in 1975 were still not willing to admit that Indonesia needed to free itself of East Timor as much as East Timor needed to free itself of Indonesia. She appealed to the Commission and to Indonesia at least to respect the provisions already agreed upon.

MAQBOOL AHMAD, of the World Muslim Congress, said the people of Kashmir were being prevented by the occupying Power from exercising their right to self-determination. There had been no let up in the persecution of Kashmir's people by the Indian army and paramilitary forces. In fact, the situation had gravely worsened. India had repeatedly claimed that Kashmir was "an integral part of India", thus putting aside the question of holding a referendum or a plebiscite to determine the political future of the Kashmiri people.

India's argument was totally invalid and its claim on Kashmir was only an attempt to obfuscate the real issue, he said. After nearly half a century of occupation, some 6 million people of Kashmir felt that they had been victims of fraud, deception and a gross breach of an international commitment. The Commission should let India know that such a violation of human rights was not its own internal affair. Free access should be obtained for visits to the region by the International Committee of the Red Cross (ICRC), Amnesty International and other human rights organizations. Simultaneously, the Commission should appoint a special rapporteur to investigate and report on the human rights situation in Jammu and Kashmir.

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HUMAN RIGHTS COMMISSION CONSIDERS VIOLATIONS IN OCCUPIED ARAB TERRITORIES AND ISSUE OF RIGHT TO SELF-DETERMINATION

Hears Address by French Minister for Humanitarian Action

GENEVA, 3 February (UN Information Service) -- In an address to the fiftieth session of the Commission on Human Rights this afternoon, France's Minister-delegate for Humanitarian Action and Human Rights, Lucette Michaux-Chevry, welcomed the historic step taken by the General Assembly's consensus decision to create the post of High Commissioner for Human Rights, as called for by the Vienna Declaration and Programme of Action, adopted at the 1993 World Conference.

The High Commissioner must, however, be given the means to realize the ambitions of the international community, Ms. Michaux-Chevry said. The minimal part of the United Nations budget presently devoted to human rights was not satisfactory. She called upon the international community to fight on all human rights fronts where battles for human dignity could be won.

This afternoon also, the Commission continued its debate on human rights in the occupied Arab territories, including Palestine, and on the right to self-determination. Speakers welcomed recent positive changes taking place on the peace front as part of a process which began in Madrid in 1991 and recently resulted in the signing, in Washington, D.C., of the Declaration of Principles on an Interim Self-Government Agreement between the Palestine Liberation Organization (PLO) and Israel. Speakers noted, however, that the human rights situation in the occupied territories remained extremely worrisome, with violence occurring on both sides.

The United States representative told the Commission that while her country was aware of the continuing human rights violations in the occupied territories, and in no way condoned them, the Commission should turn away from the bitter and empty rhetoric of the past. In keeping with that spirit, she called on the Commission, in this year's resolutions, to state its firm belief that a just and comprehensive settlement of the Middle East conflict was vital for the full implementation of human rights in the area.

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The representative of Israel said that the Declaration of Principles marked the beginning of a solution to the entire protracted Middle East conflict. So far, the voices of the Commission had been mixed. Some had dwelt on the past, rehashing tired old charges, but many others, including some Arab countries, echoed in their speeches the political changes in the region. Those who looked to the future would prevail over those who were trapped in the past.

Further this afternoon, the representative of the Russian Federation called on the Commission to appoint a Special Rapporteur on the question of self-determination who would develop and define the concept with a strong emphasis on exploring the peaceful forms of self-determination.

Statements were also made by Senegal, Nigeria, Republic of Korea, Bangladesh, Mauritania, Cuba, Bulgaria and Libya, and by the observers from Israel, Portugal and Oman. A statement was also made by the representative of the World Islamic Call Society. India and Pakistan exercised the right of reply.

Statements in Debate

IBRA DEGUENE KA (Senegal) said that for many years, human rights violations of a serious nature had characterized the struggle of the Palestinian people in territories occupied by Israel. Those facts should be recalled in the context of the historic signing by the PLO and Israel in September 1993 of the Declaration of Principles on interim autonomy in Gaza and Jericho.

Although the Commission's session was taking place during a new era in history, a healthy pressure must be maintained on all parties during that lengthy and difficult period to maintain the peace process. Confidence-building measures were required, and the world was waiting for more -- a halt to the violence and a successful end to the negotiations. The parties to the conflict would, in the future, live together and would, in turn, benefit the protection and promotion of human rights.

C.U. GWAM (Nigeria) said the exercise of the right to self-determination leading to independence was, as the Charter made clear, appropriate in colonial or dependent territories under foreign occupation. In post-colonial States, self-determination could be exercised through devolution of power to local governments or federal arrangements as had occurred in Nigeria. However, an endless demand for the exercise of the right to self-determination by each ethnic or cultural group in a multi-ethnic State could only lead to anarchy, strife and, even worse, civil war.

The Israel-PLO agreement was an important step in the quest of the Palestinian people to exercise their right to self-determination. Nigeria called on all parties to the agreement to ensure its speedy implementation, as further delay could undermine the peace process and erode the confidence of Palestinians in the agreement.

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Israel should release all Palestinian detainees held in Israel or the occupied territories, cease group punishment end curfews and cease the excessive use of force by the Israeli security service, he went on. Nigeria was disturbed by the continuing violence in the occupied territories as the peace process was gathering momentum. It saw no gain to any of the parties in the continuing violence and rejection of the peace overtures extended by the leadership of Israel and the PLO. It called on all groups in Israel and Palestine to join the peace process.

CHANG IL PARK (Republic of Korea) said the signing of the Declaration of Principles on 13 September 1993, along with mutual recognition between the PLO and the Government of Israel, had created an interim framework for a just and comprehensive solution of this long-standing question. Many challenges and difficulties lay ahead, however, in order to translate the agreed principles into workable details. The spirit of compromise should be sustained through future negotiations. The serious human rights situation in the occupied Arab territories had added to the climate of uncertainty and tension among the Palestinian population. The human rights situation did not correspond to the progress made in the peace process. All violence, regardless at whom it was directed, was unacceptable.

ABU EUSUF MD. KHALILUR RAHMAN (Bangladesh) said he wished to congratulate Yasser Arafat for the courageous steps the PLO had taken under his leadership to bring about peace in the Middle East. He went on to say that Palestinians killed by Israeli forces in the occupied territories since September 1993 had apparently been the victims of extrajudicial executions or of the use of unnecessary force. More than 11,000 Palestinians were reported to be languishing in Israeli prisons or detention camps. The catalogue of inhumanity by the occupying authorities, he said, also included collective punishments, demolition of Palestinian homes, confiscation of their lands, imposition of unrelenting curfews and restrictive economic measures.

It was imperative that Israel desist from all forms of violation of human rights in the occupied territories and respect the bases of international law and the principles of international humanitarian law, including the Geneva Conventions relative to the Protection of Civilian Persons of August 1949. The Commission must continue to monitor the situation in the Israeli-occupied territories until the restoration of the inalienable national rights of the Palestinian people became a reality.

VLATCHESLAV V. BAKHMINE (Russian Federation) said the world looked with hope at the unexpected increase in prospects for peace in the Middle East. If it could be found there, after so many years, Israel and Palestine would set an example for the rest of the world. The Commission should reinforce its efforts regarding the Middle East.

In the former Yugoslavia and the former Soviet Union, conflicts showed the dangerous side of the urge towards self-determination; if not controlled, that urge could lead to no end of fragmentation and to great violence. The situation had been different after the colonial period; now the best course was for democratic States to guarantee the rights of citizens of all ethnic backgrounds, races and religions. In any other sense, it was hard to draw up

a clear formula for the right to self-determination, and difficult times could be expected. The concept needed further development and definition, with a strong emphasis placed on peaceful forms of self-determination. It would be a good idea to appoint a special rapporteur on the subject, Mr. Bakhmine declared.

LUCETTE MICHAUX-CHEVRY, Minister-delegate for Humanitarian Action and Human Rights of France, said she felt great emotion and the need for action as she addressed the Commission. The World Conference on Human Rights held in Vienna last year had been a signal event, reaching many of its objectives despite a tragic international context. The General Assembly had just taken an historic step in deciding by consensus to create the post of High Commissioner for Human Rights as contained in the Vienna Declaration and Programme of Action. But the High Commissioner should be given the means to realize the ambitions of the international community. One could not be satisfied with the minimal part of the United Nations budget at present devoted to human rights.

She said the Vienna document also contained realistic, courageous language regarding the protection of children during armed conflicts; the elimination of harmful and discriminatory practices against the girl child; the employment of children for hazardous work, and the sale of children and child prostitution. In addition to the initiatives already taken at the Assembly and the Subcommission on Prevention of Discrimination and Protection of Minorities, France wished to see the creation by the Commission of a Working Group to examine the question of elaborating an additional protocol to the Convention on the Rights of the Child dealing with those issues.

Pointing out that the Commission yearly noted the persistence of grave human rights violations in all regions of the world, she said France was alarmed to see that certain countries denied access to their territory to the Commission's Special Rapporteurs. It was unacceptable that Serbia and Montenegro had refused the establishment of a permanent mission of the Special Rapporteur on the human rights situation in the former Yugoslavia, Tadeusz Mazowiecki. All those responsible for human rights violations should be tried.

The horror of repression and the massacre of populations persisted in Haiti, Iraq and many other places, she went on. One must not accept the use of difficult economic and social conditions or internal disorders as justifications for the violation of human rights. The Commission should: express the wish that peace would come to South Africa following free, democratic and multiracial elections; wish for a dialogue in Algeria with all those who rejected violence; call upon all parties in Angola to accept the verdict of the polls; continue to work for the democratization of Zaire and Togo; express the hope that genuine negotiations would take place in the Sudan to put an end to the many violations already condemned by the Commission; send a message of solidarity to the people of Burundi; and call on the Burmese Government to release Aung San Suu Kyi so that she might participate in the process of national reconciliation.

Faced with so much suffering, it was natural to look for reasons to hope. Among those were the peace process in the Middle East and the evolution

of the situation in Cambodia. Let the international community fight on all fronts where the battles for human dignity could be won, she declared.

GERALDINE FERRARO (United States) said that an extraordinary series of events was now taking place in the Middle East offering the people of those historic lands, and indeed the world, the hope that a new era might soon dawn. In taking those first historic steps, Palestinians and Israelis had demonstrated to all what could be achieved if people would only believe in hope and put aside suspicion and hatred long enough to try.

The United States had co-sponsored a resolution at the General Assembly recently with regard to the situation. It expressed full satisfaction with the Middle East peace process and noted the positive role that the United Nations played in assisting the implementation of the Declaration of Principles. For the first time in many years, the discussion accompanying that resolution was not marked by the pointless vituperation which, in itself, had long constituted an obstacle to progress, negotiation and peace. It was hoped that the Commission, too, would see the wisdom of such an approach and that it would acknowledge the new reality -- that genuine progress was being made, step by step, day by day, between Arabs and Israelis.

While the United States was obviously aware that human rights violations continued to occur on both sides and in no way condoned them, it was time to turn away from bitter and empty rhetoric, she continued. Little good could come from hostile words. The time had come to seize the moment. One could begin to change the present, and build for the future. In keeping with that spirit, she called for a resolution to be placed before the Commission stating the firm belief that a just and comprehensive settlement of the Middle East conflict was vital for the full implementation of human rights in that area.

OULD MOHAMED LEMINE (Mauritania) said the Declaration of Principles signed by the PLO and Israel constituted a major landmark and an important step in the right direction. That did not, however, diminish the responsibility of the United Nations in the search for a definitive solution to the conflict; on the contrary, it called for an increased role for the international community. The Commission should continue to follow the human rights situation in the occupied territories, as the reports from a number of organizations told of grave violations of human rights there.

That question would remain a source of concern as long as the root causes for the situation did not disappear, he stated. The conditions for a lasting peace in the region remained unchanged: the recognition of the legitimate national rights of the Palestinian people, and in particular the creation of a Palestinian state with the holy city of Al Quds as capital, and the restitution of the Syrian Golan and south Lebanon. That was a question, then, of respect for the right of peoples to self-determination and the rejection of the acquisition of territory by force.

ABDUL H. TABIBI, representative of the World Islamic Call Society, said it was regrettable that most violations of the right of self-determination and the suffering of people took place in the Islamic world, whether in Afghanistan, Kashmir, Palestine, Bosnia and Herzegovina, Myanmar, Algeria or

elsewhere. Hardly a single day went by without a massacre of Muslims in Kashmir or former Yugoslavia who were just asking to live in peace, with the same rights as other free people. With all the promises and declarations of the Western leaders, the streets of Sarajevo were still full of blood and the people were starving to death; even the Blue Helmets of the United Nations were massacred.

The Commission, he went on to say, through the efforts of its Special Rapporteurs and resolutions, had taken important decisions for defending human rights and protecting the right to self-determination, but still, as the news media showed, daily violations of those basic rights took place, particularly in the Islamic world. The world was losing faith in the Security Council, as its permanent members were closing their eyes to injustice.

JOSE PEREZ NOVOA (Cuba) said the right to self-determination was one of the cornerstones of international relations. Yet, attempts were made to belittle the importance of that right, under the guise of promotion of humanitarian assistance and concern, by interfering in the affairs of sovereign States. A small group of States in the northern hemisphere used those excuses to impose imported economic and political models on other countries, especially those in the underdeveloped world. Such countries had the right freely to determine their own futures.

Some countries were using a double standard on human rights, he said. Where it suited their political interests, they championed standards of self-determination and human rights, yet they never applied them to pertinent situations within their own countries. If the Israelis had occupied Palestine, the United States had occupied part of eastern Cuba for decades, and it continued to impose on Cuba a cruel blockade. That must be stopped.

VALENTIN DOBREV (Bulgaria) noted that the question of violations of human rights in the occupied Arab territories had been on the agenda of the Commission for more than 20 years. The magnitude of the armed conflict and human suffering of the population in the area had turned the problem into a potential threat to regional and international peace and security. For that reason, Bulgaria had wholeheartedly supported the recent positive changes taking place as a result of the negotiating process which started in Madrid in 1991.

It was against that background, he said, that he pointed out how encouraged he was by the firm commitment expressed in Davos by the Chairman of the PLO and by the Minister for Foreign Affairs of Israel to carry out their historic plan and to reach a final agreement soon. Despite the serious difficulties encountered, as Shimon Peres had put it so eloquently at the press conference in Davos in the setting of the great master of the novel, Thomas Mann, "We both look out in the morning at the magic mountain, knowing we must also negotiate its slippery heights", represented by "worries, suspicions, hatreds and blood of the victims". The leaders of the two ancient nations of Israel and Palestine would succeed in overcoming the slippery heights of prejudice and hatred accumulated over all those years.

SAIDAREBI HAFIANA (Libya) said that that session of the Commission had so far been empty of the interventions detailing the grave and serious violations by the Israeli authorities in Palestine, West Bank and Gaza. Why was this? What had changed? Had Israel begun to respect international human rights norms and international law? Had Israel released all Palestinian prisoners and done all else required of it? What was that game of silence? There was an illusion of peace, as if it already existed; silence was being used as part of international legitimization of the strong, of the usurper. The conflict in the Middle East was an Arab-Israeli conflict.

The United States, Japan and the European Community should transfer technology to the Middle East, he said. In fact, the Middle East was the Arab world, and "Middle East" was a colonialist term. The term was misleading and interfered with the right of self-determination. What did Israelis and Palestinians want from the negotiations? The negotiations were unbalanced with the United States pressuring the Arabs. The Israelis got everything and the Palestinians got nothing -- less than self-determination. Peace for Israel was expansionist, a recognition of their existence without distinct borders. The Arab tragedy was that they trusted friends and believed promises made to them, he stated.

ITZHAK LIOR (Israel) said the signing of the Declaration of Principles marked, at least in Israeli eyes, the beginning of a solution to the entire protracted Middle East conflict. That major turning point could not but invoke the memory of another momentous event in the history of the region -- the visit of the late Egyptian President Anwar el-Sadat to Jerusalem in 1977. Today, Israel was listening very attentively and with great hope to the words of its present negotiating partners and other countries for signs of the commitment shown by that "great man, leader and visionary". So far, the voices had been mixed. Some still dwelt on the past, rehashing tired old charges. Yet many of the speeches, including some by Arab countries, did echo the political changes that had taken place in the region since the last Commission session.

The Special Rapporteur, René Felber, too, had demonstrated statesmanship and intellectual honesty in his written report. Another encouraging development, he went on, was the effort by some countries to work towards the adoption off a "positive resolution" which took note of the developments so far nd encouraged the parties to continue their efforts.

Regrettably, a few statements had been totally negative, he stated. A certain organization of jurists, for example, had not spared any effort to drive a wedge between the two sides. But he firmly believed that those who looked to the future would prevail over those who were trapped in the past. Israel and the PLO were now focusing on implementing the Declaration of Principles. Among other initiatives, and in addition to those bilateral efforts, 47 countries and international organizations, including the United Nations, were participating in the multilateral talks.

He did not minimize the plight, suffering and agony that had afflicted both sides of the conflict for so long, and regretted the expressions of violence, the many injuries, the loss of human life, and the absence of

restraint and tolerance which were still continuing, despite the opening of new horizons. He believed that those difficult times would pass. All sides were convinced that the point of no return on the way to a new era of peace had been crossed.

GONCALO DE SANTA CLARA (Portugal) said only respect for the right of peoples to determine their futures could ensure harmonious relationships between States and peoples. Still, that right was violated in various parts of the world. That was particularly so in cases of foreign occupation. Nothing could excuse that practice. One could focus on the case of East Timor. Those people had had the right to self-determination denied them by forceful invasion. The United Nations had requested the Indonesian Government to withdraw its troops, to no avail. The United Nations must continue efforts to find a solution to that foreign occupation and to establish a favourable climate for a just and fair process of self-determination for the East Timorese. Human rights must be respected; that was crucial for any progress in negotiations.

ABDALLA M. AL FARSY (Oman) said the Declaration of Principles was the basis for a just and comprehensive peace in the Middle East. The Israelis and the Palestinians had shown more courage. That would have a beneficial effect on negotiations between Israel and the Arabs. But despite that and the continuing peace process, the situation was still serious, given the military operations which continued to take place in the occupied territories.

In those territories occupied since 1967, there was no respect for international standards and practices. Oman expressed its deep condemnation of that situation. There were, for example, thousands of prisoners still languishing in Israeli prison camps. Efforts for peace were finally bearing fruit. All must work together to see the process through on the basis of Security Council resolutions 242 and 348, along with the principle of land for peace. The sincere desire to achieve peace was stronger than the challenges confronting it.

Rights of Reply

FAROOQ ABDULLAH (India) said Pakistan, at the morning meeting, had used a self-serving definition of self-determination. While calling for India to allow self-determination in Jammu and Kashmir, Pakistan did not allow it in the portions of Kashmir that it controlled. India was trying to maintain its tradition of tolerance for religious and ethnic diversity. Kashmir was not inhabited only by Muslims. There were also Hindus and Buddhists. Why did Pakistan and various non-governmental organizations refer only to the rights of Muslims?

IKBAL AKHUND (Pakistan) said that the proposed plebiscite would be held in the entire country and would apply to all -- in both Indian-held and Pakistani-held parts of Kashmir. The first meeting between India and Pakistan had been less than fruitful. The situation must improve before the next round could take place. There was no point in India's endlessly repeating allegations. The sending of a fact-finding mission or special rapporteur to the region could solve all those problems.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/509
8 February 1994

COMMISSION ON HUMAN RIGHTS BEGINS DISCUSSION ON SOUTH AFRICA

GENEVA, 4 February (UN Information Service) -- The Commission on Human Rights began consideration this morning of agenda items on South Africa and on the implementation of the programme of action for the United Nations Second Decade to Combat Racism and Racial Discrimination. Two Special Rapporteurs made presentations.

Introducing the report of the Ad Hoc Working Group of Experts on Southern Africa, Chairman-Rapporteur Mikuim Leliel Balanda, of Zaire, told the Commission that although there had been commendable progress in dismantling apartheid and in setting the stage for free elections, violence, including that committed by security forces, continued to be a problem in the country. And if it could not be contained as the date for elections approached, the entire effort could come to naught. International economic assistance was going to be needed to allow a new, entirely democratic South Africa to achieve a solid start. The Working Group wished to commend the South African Government for the role it had played in recent reforms.

Judith Sefi Attah, of Nigeria, appointed by the Subcommission on Prevention of Discrimination and Protection of Minorities as Special Rapporteur on the transition to democracy in South Africa, said the report she was providing to the Commission outlined the need for all parties in the country to prepare for and participate peacefully in the elections. The international boycott of South Africa had never benefited anyone, she said, and at this point the focus of all involved should be on eschewing violence and on helping the transitional Government to establish a humane and effective security apparatus.

The Special Rapporteurs spoke after debate ended earlier in the morning on the topics of the right of peoples to self-determination and human rights violations in the occupied Arab territories.

Speaking during this morning's session were Pakistan, Morocco, Greece (on behalf of the European Union), Canada, Brazil, Austria and the representative of the Pan Africanist Congress of Azania.

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For information media—not an official record

The following non-governmental organizations made statements: International Association of Educators for World Peace, International Educational Development Inc., Latin American Federation of Associations of Families of Disappeared Detainees, International Indian Treaty Council, France-Libertés: Fondation Danielle Mitterand, and Pax Christi International.

Indonesia, Morocco, and Portugal spoke in right of reply.

The Commission has before it under the question of violation of human rights in southern Africa, an interim report of the Ad hoc Working Group of Experts on Southern Africa, which notes that the Government of South Africa once again had refused to allow the Working Group to visit the country to evaluate the human rights situation. The document describes an improved political atmosphere in the country despite spiralling violence and recommends that decisive measures be taken by the new Government to guarantee the security of all citizens without the discrimination that existed before. It also calls for steps to integrate and educate the security forces and judiciary, and recommends a general unconditional amnesty for all prisoners whose sentences arose out of anti-apartheid activities regarded as politically motivated.

In its consideration of the agenda item on Adverse consequences for the enjoyment of human rights of political, military, economic, and other forms of assistance given to the racist and colonialist regime in South Africa, the Commission had before it the following: a note from the Secretary-General stating that the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, adopted at its last session, a resolution on monitoring the transition to democracy in South Africa and had transmitted it to the Commission; and a report by the Special Rapporteur of the Subcommission.

Among the documents serving as background on the agenda item on Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination is a note by the Secretary-General reviewing measures taken during the last year to ensure a peaceful transition to democracy in South Africa, to remedy the legacy of economic, cultural and social disparities left by apartheid, and outlines steps taken elsewhere in the world to battle racism.

Statements Made

IQBAL AKHUND (Pakistan) said the historic conclusion of a Declaration of Principles between the Palestine Liberation Organization (PLO) and Israel was one of the very important steps taken by the leadership of both countries. However, the Declaration was only the first step. Many obstacles still remained before a comprehensive peaceful settlement of the Arab-Israeli dispute could be reached. That peaceful settlement could only be reached if the Palestinians were given the opportunity to exercise their right of self-determination.

The human rights of the Palestinians and other people under foreign occupation could not be divorced from the political questions which were a

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source of tension, instability and conflict. Any resolution of the political questions through implementation of United Nations resolutions would be a major step for ensuring peace and stability in the Middle East. He hoped the peace process started by the Arabs and Israelis would achieve its objectives of peace with justice, honour and dignity. The Commission must remain concerned and engaged in the process until a comprehensive peaceful settlement of all disputes was achieved.

He hoped that acts of brutality against the Palestinian people would be immediately stopped and all the occupied territories would be liberated so that stability could return to the region. He urged the Commission to continue playing its positive role in the solution of this problem and fully associated himself with the remarks made by the Chairman of the PLO that the Commission continue to call for peace and self-determination in Palestine.

EL GHALI BENHIMA (Morocco) said the new international order was characterized by peace, security and tolerance. However, existing conflicts, sometimes intractable, were difficult to resolve and had been compounded by other focuses of tension. Bosnia for instance, was an example of a tragedy for which the international community had no answer. Morocco had condemned the dismemberment of the Republic of Bosnia and Herzegovina by the Serbs. In South Africa, the democratic process must continue in spite of outbreaks of violence caused by both sides. Dialogue and coordination were vital so that elections towards a non-racial democratic society would take place on schedule.

In the Middle East, the mutual recognition between the PLO and Israel constituted a turning point in the evolution of the region. Finally, the peoples of the area would be able to turn the page on a gloomy past and to improve the quality of life for all in a just and global peace. This crucial period required additional intensive efforts to guarantee the establishment of a Palestinian state in accordance with Security Council resolutions 242 (1967), 338 (1973) and 425 (1978). The process initiated by the Secretary-General in Western Sahara was proceeding normally. The King of Morocco had always shown his willingness to implement the plan in all its aspects. If stumbling blocks remained, it was not Morocco's fault, he added.

WILDA SPALDING of the International Association of Educators For World Peace, said that in Indian-occupied Kashmir, Indian security forces were committing untold atrocities on the Kashmiri nation. One report, "Torture, Rape, and Death", published by Amnesty International, confirmed the enormity of the problem. Many other human rights organizations had also published concurring reports. The Indian security forces must be strongly condemned. Also, the acts of the fundamentalist militant elements sponsored by Pakistan must be condemned.

In Pakistan-occupied Kashmir, the Government did not allow the people to exercise their right of self-determination, she went on to say. If Pakistan was serious concerning the right of self-determination for Kashmiris, it must support the opportunity of Kashmiris in Pakistani-occupied Kashmir to decide their own internal destiny in a free and fair plebiscite which would need to be held under United Nations supervision.

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Kashmiris who sought a non-violent solution appealed to the international community as well as to non-governmental organizations to come to see for themselves the intolerable situation and to pressure India and Pakistan to leave Kashmir to the Kashmiri people.

ANTON PONRATAH, of International Educational Development, speaking on behalf of 17 non-governmental organizations, said a frequent claim was that self-determination threatened territorial integrity, which should always be paramount. Regrettably, some misguided or biased persons and Governments also referred to people who aspired to self-determination as "unreasonable", as if they should accept less than their full rights. The situation in Sri Lanka was one that had suffered greatly from biased and discriminatory treatment. The Tamil population of the north and east of the island were a people with the right to freely choose their political status.

Such recognition would prepare the ground for the resolution of a conflict which had taken such a heavy toll in human lives and suffering during the past several years. However, the economic blockade imposed on the Tamil homeland continued and Tamil civilians continued to be subject to indiscriminate aerial and artillery bombardment by the Sri Lankan armed forces. There was a need to recognize that the deep divisions between the Sri Lankan Government and the Tamil people could not be resolved by the use of force against Tamil resistance. The Secretary-General should consider invoking his good offices with the aim of contributing to the establishment of peace in Sri Lanka.

ALESSANDRA AULA, of the Latin American Federation of Associations of Families of Disappeared Detainees, said the decolonization process of Western Sahara had not yet been concluded. Morocco was acting in contravention of international law and respect for the rights of the Saharawi people. When the United Nations became involved, people felt that hope was at hand. Morocco had broken the cease-fire repeatedly, however, and moved its people into the area. The United Nations had refrained from persuading Morocco to desist from that behaviour. Did the United Nations intend to hold the referendum or would it allow Morocco to continue to mock its authority? The economic and financial blockade against Cuba precluded it from trading with the international community, and that affected the enjoyment of basic rights by its population. Even General Assembly resolutions had supported this claim.

The Jakarta authorities continued to defy the international community, and above all the feelings of the Timorese people, she continued. That permanently violated the principles linking human rights and the right to self-determination. Indonesia manipulated the right of this people to independence and used it as a pretext to commit killings, arbitrary arrests and summary and partial trials, as well as a massive policy of population transfer. Her organizations appealed once again to the Commission to put in practice specific and effective mechanisms so that its own resolutions were respected by all States, including Indonesia.

JUANA BATZIBAL-TUJAL, of the International Indian Treaty Council, said indigenous peoples, communities, and nations demanded the right to

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self-determination, the right to control all aspects of their lives and to live in harmony. Otherwise the International Year of Indigenous People would come to nothing. International law defended this view of the rights of indigenous peoples. The challenge of this generation was to put an end to wars, discrimination and racism. This was a turbulent period when the struggle for self-determination was a main cause of the traumatic confrontations that still occurred throughout the world. It was time for progress in Western Sahara. The Commission should adopt an urgent resolution demanding that the Moroccan authorities observe United Nations recommendations for a settlement there. And it was time to end the struggle in Sri Lanka, where the Tamil people continued to suffer from a cruel blockade in their legitimate quest for self-determination.

ANNE SARIS, representative of France-Libertés: Fondation Danielle Mitterand, said the two organizations had been pleased to note that on 17 September, after a meeting of the Secretary-General with the Ministers for Foreign Affairs of Indonesia and Portugal, Indonesia had accepted to allow the humanitarian agencies of the United Nations and organizations for the defence of human rights access to East Timor. However, the two organizations had been denied the permission requested on 4 October 1993 to conduct a mission to East Timor. The Indonesian authorities had thereby demonstrated their lack of will to make real changes.

East Timor repression continued through the use of torture and the use of force, she continued. The colonization of the island also persisted. In view of the constant human rights violations, Commission resolution 1993/97, concerning, among other things, the access of non-governmental organizations to East Timor, should be implemented; the people of East Timor should be able to exercise their right of self-determination; and the Commission should continue scrupulously to examine the human rights situation on the island.

Concerning Western Sahara, the impasse facing the United Nations was a result of Morocco's actions which imperilled the exercise of the right of self-determination of the Saharawi people. The Foundation was deeply worried by the situation of the Saharawi people. The hope raised by the adoption of Security Council resolution 690, which established the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the peace plan, had been thwarted by the prevarication of Morocco. Far from cooperating fully, it had multiplied the obstructions to the peace plan and violated the Third and Fourth Geneva Conventions. France-Libertés asked that the conditions required for the holding of a referendum should be promptly fulfilled following a genuine dialogue.

MICHAEL VAN WALT, representative of Pax Christi International, said that unfortunately much of the discussion at the United Nations on the right to self-determination had been driven by short-term political considerations of individual States or groups of States, often preventing discussion of the fundamental issue involved. That there existed a right to sef-determination was not disputed. The hotly debated question was who the right belonged to and what it entailed under international law. Arguments had been put forward for restrictive or for expansive interpretations of the content of the right

and of the definition of the term "people". One thing was clear, however: self-determination was not synonymous with independence or secession, as was so often assumed.

It was the right of people to decide what their status would be, but that could be anything ranging from various forms of independence to autonomy, to full integration, he continued. It was also clear that no right was absolute, so that in the exercise of self-determination a reasonable balance must be found between often competing rights and principles. The denial or suppression of people's right to self-determination caused tension, conflict and, in the long term, instability. The United Nations should provide the opportunity for discussion of this question within the context of human rights, by creating a working group in which representatives of peoples claiming the right to self-determination would be invited to participate.

Report of Working Group on Southern Africa

Introducing the report of the Ad Hoc Working Group of Experts on Southern Africa, Chairman-Rapporteur BALANDA, of Zaire, told the Commission that the Group had been established in 1967; its mandate had existed over a long period. In the past year it had sought to visit South Africa. In the absence of an invitation, it had instead gone, as previously, to front-line nations next door to gather information. Certainly, important progress had been made politically in South Africa -- agreement on a Constitution to govern the country during the interim period and agreement on organizing elections with universal suffrage were examples. Still, Parliament had yet formally to declare the dissolution of internal security laws.

He said violent deaths were still a cause of concern, whether committed by the police, government security forces, or political and tribal factions. The murder of Chris Hani by members of an extreme-right white political group was the most high-profile case. There were some 2,900 deaths in 1993 overall -- an increase from the year before. The plight of children in South Africa was a cause of great concern. Rivalry between the Inkatha Freedom Party and the African National Congress (ANC) had turned violent and tragic; one bomb explosion had killed over 100 children. The Working Group emphasized the importance of containing violence as a crucial requirement for fair elections. Otherwise, the whole effort would come to naught. It was also necessary to curb the excesses of the security forces.

The South African authorities had a responsibility to maintain law, order and security in a proper fashion, he said. They should prosecute aggressively anyone who violated human rights. Emergency measures should be taken to dismantle the homelands system, and it was necessary to work hard throughout the country to ensure free elections. To correct the long legacy of apartheid in terms of land ownership, employment, and housing, as well as other areas, was a huge task that required immediate and continued effort. International economic assistance was going to be needed to allow a new, entirely democratic South Africa to achieve a solid start. The Group wished to commend the South African Government for the role it had played in recent reforms, Mr. Balanda said.

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Under the item on Adverse consequences of assistance to South Africa, the Commission has before it the report of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on the transition to democracy in South Africa, Judith Sefi Attah, of Nigeria, who led a mission to that country in November and December 1993. The report states that the process of change through peaceful negotiations, although now at an irreversible stage, was still fragile. Although the phenomenon of violence appeared to be shifting from prevalence to pockets of unrest, particularly in the East Rand, Natal and Kwazulu regions, its effects, coupled with political intimidation, constituted a formidable obstacle to the transition to democracy in South Africa.

The mission recommended, among other things, that the international community continue to show interest in the democratization process, especially with regard to the immediate concerns about the 27 April elections. The decisions of some Governments, the United Nations and other international governmental and non-governmental organizations to monitor the elections and to provide funds for youth programmes were commendable.

Introducing the report, Ms. ATTAH said the recommendations in the report were based on the need for all parties to participate peacefully in the elections, as boycott had never benefited anyone. The report also recognized the need of all parties to eschew violence and help the Government to establish a humane and effective security apparatus.

EMMANUEL MEGALOKONOMOS (Greece), speaking on behalf of the European Union, said that events that had taken place in South Africa in 1993 could be considered as the culmination of the first phase of the process leading to a non-racial democracy in South Africa. It was clear that the transition would not be free from difficulties and impediments. Strenuous efforts were required from all the South African political forces as well as the Government. All parties should remain calm and renounce the violence which continued to scar the country.

The European Union, he went on, had recently agreed upon a joint programme of action of electoral assistance to South Africa to support the transition through election monitoring and a coordination framework to consolidate the economic and social foundations of the transition. On 29 January, the Union had inaugurated a dialogue with the Transitional Executive Council which focused on the short- and long-term relations between the Union and South Africa and the rule of law, good governance and respect for human rights in the new South Africa.

ALAN KESSEL (Canada) said Canada had played a constructive role in promoting change in South Africa and was proud to reaffirm its support for the future course chosen by South Africans. Canada was acutely aware, however, of the challenges which lay ahead. The level of politically motivated violence was alarming. It once again called upon all parties in South Africa to do their utmost to bring an end to the killing. Imaginative solutions to this violence must be found. International expertise, United Nations and other monitors and observers all had a valuable role to play. However, the only

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real solution lay in South Africa. Without a commitment by the political leadership on all sides -- and a commitment to tolerance and compromise at all levels -- violence would not be brought under control. Recently, Canada had announced a $2.5 million package of assistance to the electoral process.

In addition, and among other aid initiatives, Canada had supported the Commonwealth initiative on violence and had contributed to community-based policing programmes, the representative said. While the legal cornerstones of apartheid had been abolished, the legacy of apartheid's culture and discriminatory policies would take years to overcome. South Africa must deal immediately with this unwanted inheritance and the international community must help. For its part, Canada would continue its long-standing commitment to the defence of human rights in South Africa. One must also not lose sight of the fact that some serious human rights concerns existed in the rest of southern Africa.

GILBERTO V. SABOIA (Brazil) said the recent developments in South Africa leading to the total dismantling of apartheid were welcome and he hoped that a time would come when apartheid would no longer be an issue at this Commission. The elections should take place in a peaceful atmosphere and all parties should participate in them democratically and respect their outcome. The Government had the duty to ensure that no parties were permitted to disrupt or delay the democratic process leading to the elections on 27 April. This was not the end of the process, though, but the beginning of the building of a united, democratic and non-racial South Africa. The world community and this Commission should continue to monitor closely the events in that country. He urged all parties to settle their differences according to the principles of democratic and peaceful negotiation and bear in mind the ultimate interests of the nation as a whole. The South African authorities had to exercise their responsibility to guarantee law and order, stop violence, prosecute its perpetrators and protect all citizens.

Thoughts and concerns went most especially to Angola, where the international community must show stronger determination in supporting the search for a solution for the internal conflict that continued to ravage that country. The international community must be particularly attentive to radical groups disaffected with the end of apartheid in South Africa who might feel tempted to interfere in the Angolan conflict in order to gain a hold over that country. In spite of the endeavours of the United Nations, almost everywhere racism and racial discrimination remained an overwhelming obstacle to the respect for human rights. All Governments should face this problem earnestly and take immediate and vigorous measures to curb it, he declared.

HELMUT BOECK (Austria) said the effective establishment of the Transitional Executive Council on 7 December 1993 was a further encouraging sign as well as a token for a successful completion of the democratization of South Africa. The international community must now focus its attention on assisting the country in organizing and conducting free and fair elections. Much remained to be done: previously disenfranchised citizens had to be familiarized with democratic procedures, the access of all eligible voters to the balloting booths had to be secured; and the elections themselves should be

monitored by international observers, especially in those critical areas where neutral arbiters could enhance the trust of all parties concerned in the fairness of the democratic process. Austrian experts would participate within the United Nations Observer Mission for South Africa (UNOMSA) in 1994. Political violence and intimidation posed an overriding threat to the election process and jeopardized the transition process in South Africa as a whole. Racial hatred and willful killings had to be stopped. In the follow-up to the elections, long-term assistance programmes should be undertaken.

The Austrian delegation had studied the interim report of the Ad Hoc Working Group of Experts on Southern Africa, he continued. It wished to commend the Group's six distinguished members as well as their predecessors, who had with dedication examined the violation of human rights in this part of the world and contributed to keeping the lamentable situation of human rights in South Africa in the headlines. Due to its vast experience in this domain, the Working Group would continue to provide valuable expertise in the consolidation of national peace and could therefore be an important partner for the South African Government as well as for local non-governmental organizations.

ANTHONY E. MIYENI (Pan Africanist Congress of Azania (PAC)) said that in this time of transition, the matter of criticizing South Africa's abuse of human rights, PAC was told to put less emphasis on such abuse by the South African regime in order not to endanger the transitional period. Amidst this international fatigue and sensitivity was the rising human rights abuse in his country. The report of deaths in detention stood at 39 for the year 1993. The PAC regarded any death in detention as too much. In this modern age, people could not stand by and clap hands while people died in custody, while flimsy excuses were given as a cause of death in detention. However, it was encouraging to note the decrease in the number of people who had died in detention in 1993 as compared to 1992.

South Africa had experienced a general rise in political violence in 1993, he continued. In 1992, 4,104 incidents of violence were reported, while in 1993, 5,540 incidents of political violence were reported. Those incidents mainly affected Africans. The PAC contended that there was a third force instigating violence amongst Africans. The allegation of genocidal violence had to be taken seriously.

It was time that human life was given its deserved status, he continued, regardless of race, colour or creed in South Africa. Most of the issues pertaining to a Bill of Rights would present little difficulty, and consensus should easily be obtained on most of the universally recognized rights and freedoms of citizens of the State. Even the so-called "political" or participatory human rights should be acceptable and a democratic electoral system should emerge, he went on. However, important issues such as the right to own property versus the redistribution of productive resources, the equal treatment clause versus the principle of affirmative action and the enforceability of social and economic rights would certainly be areas of conflict where consensus would be more difficult to obtain.

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Rights of Reply

SOEMADI BROTODININGRAT (Indonesia) said the Portuguese representative had provided a biased and distorted view of the situation in East Timor. Indonesia had no territorial ambitions there, and it had recognized the right of East Timorese to self-determination. Indonesia had accepted in 1976 the decision of the East Timorese people to become part of Indonesia. That people had legitimately integrated themselves into Indonesia; they had freely done so according to international standards. They had exercised their fundamental right and since then the East Timorese had participated twice in Indonesian parliamentary elections. What had Portugal done to resolve difficulties there? The Portuguese statement yesterday had been less than helpful.

MINA TOUNSI (Morocco) said some non-governmental organizations continued to conduct a fallacious campaign against Morocco. International criteria for a referendum in Western Sahara had been accepted by Morocco. The other side had not accepted them. As regarded allegations of imprisonment and torture, these offences were regularly committed by those who tried to keep Western Sahara subjugated -- the Polisario Front.

G. DE SANTA CLARA (Portugal) said that the Indonesian representative had said that the people of East Timor had already exercised their right to self-determination. The facts on the ground and General Assembly resolutions supported the truth that the people of East Timor had not exercised their right to self-determination. Portugal called for improvement of the situation of the people in East Timor. Indonesia's implementation of last year's Commission resolution would be the true test of its commitment.

SOEMADI BROTODININGRAT (Indonesia) hoped Portugal would truly attempt to cooperate with the Secretary-General to find a solution in East Timor. He suggested that both countries look at the future rather than at the past. Looking at the past would be rather counter-productive for the Portuguese side.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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8 February 1994

HUMAN RIGHTS COMMISSION DISCUSSES THREAT TO DEMOCRATIZATION IN SOUTH AFRICA

Special Rapporteur on Racial Discrimination Suggests Building Memorial to Victims of Racism

GENEVA, 4 February (UN Information Service) -- The threat posed by violence to the forthcoming South African elections -- and to democratization in general -- was among the issues raised this afternoon, when the Commission on Human Rights continued to discuss the situation in southern Africa and the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

The representative of Tunisia, speaking on behalf of the African Group, said violence in South Africa was aggravated by the precarious economic situation of the black population. It was thus urgent to put in place progressively a development programme to improve the living conditions of the population. According to the representative of Amnesty International, the hopes of a new South Africa would be stillborn if those who sought to participate in the 1994 elections became victims of extrajudicial executions, deliberate and arbitrary killings, torture or arbitrary detention.

The Commission also heard from the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who suggested that a memorial to the victims of racism and racial discrimination be built just outside the Palais des Nations to underline the efforts of the United Nations against those phenomena.

The representative of the United States said it was time for the Commission to forgo the sin of silence on the issue of anti-Semitism and condemn it in all its forms, as the Commission had with other forms of discrimination based on ethnic identity.

Also participating in this afternoon's discussion were the representatives of Nigeria, Mauritania, Sudan and Hungary, which are members of the Commission. The representatives of the following non-governmental

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For information media--not an official record

organizations also took part: the World Jewish Congress, the International Council of Jewish Women and the International Confederation of Free Trade Unions (ICFTU).

Statements in Debate

MAURICE GLELE-AHANHANZO, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance, said, while introducing his report, that racism was not dead; it had merely changed its form. In order to ensure the success of his mandate, the analysis of facts in the communications received suggested a global approach that was pluridimensional. If particular mention was made of developed countries, it was no less important that consideration of that question be extended to other continents or regions. There was also a need for a theoretical and conceptual approach to the new forms of discrimination.

The Special Rapporteur said he would like to count on the goodwill and cooperation of all Governments, in particular, the members of the Commission, and on the Centre for Human Rights. He suggested that a memorial to the victims of racism and racial discrimination be built just outside the Palais des Nations in Geneva to underline the efforts of the United Nations in fighting racism.

MORRIS B. ABRAM, representative of the World Jewish Congress, said the Commission had properly condemned, time and again, racism, apartheid, xenophobia and sexism among many other forms of discrimination. But it had never condemned anti-Semitism -- the oldest existing form of prejudice -- which had brought unmentionable horror, terrors and tragedies to all of mankind. Why should there be any reluctance by any member to condemn that which every modern Pope had condemned, to denounce what every religious leader had denounced? There was nobody in the world charged with greater moral responsibility than the Commission.

In taking positive explicit action against anti-Semitism, he said the Commission would follow the lead of other principals and international bodies of great repute. The time was right, the need was urgent, the place was here to speak frankly and directly against a primitive and ancient human rights violation -- persistent and deadly to its direct objects and to the human family. "Let us never again forget that anti-Semitism starts with the Jews, never stops with the Jews and finally destroys democratic institutions and the rule of law."

MEL JAMES, of Amnesty International, said the hopes of the new South Africa would be stillborn if those who sought to participate in the 1994 elections became victims of extrajudicial executions, deliberate and arbitrary killings, torture or arbitrary detention. The present Government bore the greatest burden of responsibility in that regard, through its control of State resources, including the security forces, and its duty to protect the lives of all South Africans. Some of the responsibility also fell upon the participants in the multiparty Transitional Executive Council and the Independent Electoral Commission.

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In some areas, the speaker said, notably Natal, the East Rand and Bophuthatswana, violence and fear were casting deep shadows over the prospects for a free and fair election. In many of the situations, the role of the security forces had been highly questionable, ranging from direct involvement in "death squad" killings and participation in attacks on African National Congress of South Africa (ANC) supporters and trade unionists, as well as involvement in arbitrary detentions, torture and extrajudicial executions.

Current efforts to build up relationships of trust between the police and local communities should help improve the criminal justice system and combat the problem of impunity for human rights violators. Those initiatives, however, could be undermined when, for instance, outside police units failed to coordinate with local station commanders or through the continuing practice of arbitrary detention without trial and the use of torture.

He said South African citizens living within the boundaries of the nominally independent "homeland" of Bophuthatswana had suffered increased repression and human rights violations as a direct consequence of the homeland authorities' rejection of the new Constitution, refusal to participate in the Transitional Executive Council, the National Peace-keeping Force and the planned elections. During the critical period in South Africa's history, the Government, together with the Council and the Independent Electoral Commission, was obliged to ensure that the planned elections could be conducted in an atmosphere free of fear.

ANDRÉE FARHI, of the International Council of Jewish Women, said there continued to be a blatant lack of any mention of anti-Semitism during the Commission's annual discussions on racism. It was not even mentioned in the International Convention on the Elimination of All Forms of Racism, although the Convention had its roots in anti-Semitism that had occurred in the late 1950s. How could that omission be justified? For 17 years, how had it been possible to tolerate a United Nations resolution equating Zionism with racism, without recognizing anti-Semitism as racism? Anti-Semitism had not disappeared; Jews were still a favourite target of ultra-nationalists and other extremists. The Commission should request the Subcommission on Prevention of Discrimination and Protection of Minorities specifically to study anti-Semitism with the aim of ultimately developing an international convention to combat it.

DAN CUNNIAH, of the ICFTU, said his organization had constantly supported endeavours of the independent and democratic South African trade union organizations to strengthen themselves so that they could contribute effectively to the liberation struggle. Today, the record of the independent trade union movement in its fight to break the back of "the apartheid dinosaur" was impressive. However, the prospect for the first elections ever to be held on the basis of universal adult suffrage was under constant threat by the escalating political violence, which had claimed the lives of more than 11,000 people since February 1990. Trade unions and their members were prime targets of that policy and featured heavily among its victims. He urged the

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Commission to stress the need for the international community to be fully engaged in the monitoring of the political violence and of the election process in South Africa.

The Confederation had established a trade union observer group, which was stationed in South Africa, in order to pay special attention to violations of trade union rights and attacks on trade unionists, he said. The group aimed at ensuring the effective protection of working men and women intimidated and threatened with attack. The international community should send a clear message to the minority extremist groups indicating that any act of desperation aimed at derailing the transition to democracy and peace was futile. Moreover, as soon as the election was over, if not sooner, the international community should be ready to embark on a plan of action aimed at correcting the entrenched socio-economic inequality and injustice that was the legacy of apartheid.

MOHAMED ENNACEUR (Tunisia), speaking on behalf of the African Group, said the international community would have to work to see to it that elections were carried out properly and crowned with success in South Africa. The sending of observers represented an important guarantee in that context, although their number might turn out to be inadequate, and an increase in their number should be envisaged. In order to guarantee the success of the democratization process, the participation of all parties was needed. That would bring an end to the waves of violence still shaking certain provinces.

The African Group remained convinced that the principal threat to the process was violence, and it endorsed the recommendations of Special Rapporteur Judith Sefi Attah concerning the restructuring of the police and security forces. That violence was aggravated by the precarious economic situation of the black population, he said. It was urgent to put in place a development programme progressively to improve the living conditions of the population. The international community should only not focus on the culmination of the electoral process; it should also concentrate on the need to stabilize and consolidate, through appropriate international assistance, the new democratic institutions of South Africa.

OROBOLA FASEHUN (Nigeria) said South Africa's democratic enterprise faced great difficulties arising out of the legacy of apartheid. The violence in South Africa was, in part, engineered by the renegade security forces and their collaborators, who were opposed to genuine democratic rule and the exercise of human rights by all South Africans. It was in the light of the dangers facing democracy in South Africa that Nigeria unreservedly endorsed the recommendations of the Special Rapporteur to the effect that the United Nations system should, among other things, initiate and coordinate a process of detailed planning of socio-economic assistance programmes. The Centre for Human Rights should also make available its programme of advisory services and technical assistance to the Government. Efforts should also be made by the international community to support all intergovernmental and non-governmental organizations involved in voter education and other aspects of the transition to democracy in South Africa.

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Constitutional provisions would not erase the scars inflicted on a people by a tiny minority over 350 years, he went on, nor would legal provisions erase on 28 April the deprivation they had suffered. Consequently, the international community must continue to be seized with the problem through the continuation of the work of the Special Rapporteur.

HOWARD M. SQUADRON (United States) said too many continued, to this day, to be guilty of the sin of silence. The United States had taken an active part in establishing the first Decade to Combat Racism and Racial Discrimination, but following the ill-considered General Assembly resolution 3379, equating Zionism with racism, it stopped participating. It was with great pleasure that the United States had witnessed the December 1991 decision to revoke the resolution, a move that enabled it to participate fully once again in the process.

Unfortunately, the Commission, too, had been silent on some areas of discrimination. The modern human rights movement had arisen in reaction to Nazi atrocities. None the less, the Commission, virtually alone among the international institutions concerned with human rights, continued to be mute on the issue of anti-Semitism. It was time for the Commission to forgo the sin of silence on the issue and condemn anti-Semitism in all its forms -- as it had with other forms of discrimination based on ethnic identity. The United States was as concerned with discrimination against Arab-Americans as it was with discrimination against Jews, African-Americans, Hispanics or any other racial, ethnic or religious group. In the Middle East, Arabs and Jews could work together to eliminate anti-Semitism, as well as all forms of racism and racial discrimination.

SALECK OULD MOHAMED LEMINE (Mauritania) said the positive progress in South Africa had led to the lifting of sanctions and pointed towards political normalization in South Africa. That event marked the victory of progress and equality over racism and racial discrimination. Yet, political intolerance and disatisfaction lingered after years of discrimination. During the crucial transition stage, South Africa needed the international community to help eradicate the profound social and cultural inadequacies existing there and to consolidate the new constitutional order. Poverty had caused and fed violence and threatened the political process. South Africa was about to become a democracy, and all had to work together to ensure that that stage was carried out peacefully and in a transparent manner.

ABDELMONEIM HASSAN (Sudan) said a new era was dawning in South Africa. The transition to true democracy would be difficult; it was necessary for all to be supportive, to help build bridges of understanding. There would be cultural and economic disparities left from the apartheid period, and so much work remained to be done. Meanwhile, the escalation of acts of violence in South Africa was a great cause for concern. The Sudan was also worried by the activities of white extremists in South Africa. They must not be allowed to intimidate blacks into fearing to practise their new-found rights. The international community must not be too hasty in re-establishing diplomatic and economic relations with South Africa -- it was necessary to wait until the elections had, in fact, been held.

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MIKLOS ENDREFFY (Hungary) said that the past few years of momentous changes in South Africa were truly of historic significance, and all owed admiration for their efforts to end the apartheid system to two great and courageous leaders: President F.W. de Klerk and Nelson Mandela, President of the ANC. Much remained to be done if the potential of those achievements were to be realized and the hopes and expectations of millions of South African fulfilled. The current situation was far from satisfactory: thousands fell victim to recurrent political violence and to other human rights violations.

For the elections to be free and fair, measures should be taken to enable all South Africans to organize and participate in peaceful public manifestations and political rallies, to run for election, and to participate in the polls free of fear and intimidation. All the parties in South Africa, including those that did not participate fully in the multiparty talks, should respect the agreements reached, take part in the election, and reject any violence, any violence. During the post-election transitional period, the new South Africa would be faced with many problems inherited from the apartheid system. The international community must be prepared to be helpful in any way it could, through existing mechanisms, in providing advisory services and technical assistance.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/511
10 February 1994

SPEAKERS AT HUMAN RIGHTS COMMISSION WELCOME POSITIVE CHANGES IN SOUTH AFRICA, WARN AGAINST DANGERS OF EXTREMISM

GENEVA, 7 February (UN Information Service) -- Speakers this morning welcomed the process under way towards the elimination of apartheid and establishment of a united, democratic, non-racial South Africa. In the run-up to the 27 April elections there, all parties needed to commit themselves to that process, as well as to an immediate cessation of all violence. Extremists must not be permitted to plunge South Africa back into violence, they said.

A representative of the International Lesbian and Gay Association said he was shocked at the profound, pervasive silence with which the world had greeted the important news that the interim Constitution of South Africa would be the first such document ever to expressly protect lesbians and gay men against discrimination on the basis of sexual orientation.

Also this morning, the Commission discussed the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

The representative of the Russian Federation said that in many republics of the former Soviet Union, ethnic Russians were often the victims of aggressive nationalism. They were discriminated against in jobs, housing and basic human rights, and were even being expelled from some countries. The rights of Russian-speaking populations must be respected, he said.

Speaking on behalf of 21 non-governmental organizations, a representative of the Women's International League for Peace and Freedom said the time was overdue to condemn anti-Semitism as a specific form of racism. Measures were also needed to combat violence against migrant workers, indigenous peoples and other vulnerable groups.

Statements were also made by the representatives of Chile, Malaysia, China, Indonesia and Japan, as well as by the observers for Zimbabwe, Morocco and the United Nations Volunteers.

The following non-governmental organizations also spoke: the International Commission of Jurists, the International Movement against

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All Forms of Discrimination and Racism, the Movement against Racism and for Friendship among Peoples, the International Association against Torture, Centre Europe-Tiers Monde, and Service, Peace and Justice in Latin America.

Statements

ROBERTO GARRETON (Chile) said the United Nations efforts on behalf of human rights in South Africa had been especially successful. He welcomed the outcome of the negotiations between the Government and the African National Congress (ANC), especially the agreement to hold free and universal elections next April. Nevertheless, great obstacles to peace and democracy remained. Control of political violence would be a key factor for the success of the electoral process. Continued support for South Africa should concentrate on technical assistance to the future Government. The advisory services of the Centre for Human Rights were especially valuable in that effort.

He stressed the importance of continued aid in the building of democracy in South Africa, which was made difficult by the existence of a socio-economic culture created by centuries of segregation. The international community had responded to Africa's expectations in the fight against apartheid. It must now extend that support in the areas of cooperation and development, which were essential for the new South Africa, as well as for the other emerging African democracies.

ANDREY NUKIFOROV (Russian Federation) said the situation in the former Yugoslavia and in several other countries demonstrated the danger of letting racial and ethnic discrimination run uncontrolled. Even in Europe, which had strong democratic traditions, there had been an increase in racial and ethnic violence. An upsurge in racial and nationalist moods in Russia had led to the bloody events in Moscow last fall. In many republics of the former Soviet Union, ethnic Russians were often the victims of aggressive nationalism. They were discriminated against in jobs, housing and basic human rights, and were even being expelled from some countries. The rights of Russian-speaking populations must be respected.

HARON SIRAJ (Malaysia) said the process of the elimination of apartheid and establishment of a united, democratic and non-racial South Africa was one of the most positive developments of the post-cold war era. The international community and the United Nations could take pride in the vital role it had played in that process. However, much remained to be done in the run-up to the April elections.

Every effort should be made to ensure a peaceful transfer of power to a democratically elected Government, he said. All parties, including those which had avoided the process, should now commit themselves to it, for it was designed to realize the common goal of a new and united South Africa. There was a compelling need to end the current violence, which could jeopardize the progress thus far. The international community had an important role to play in South Africa's future development.

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ZHANG YISHAN (China) expressed deep anxiety and concern that old forms of discrimination persisted, while new forms were emerging. Last year, the Commission had called for the appointment of a special rapporteur to study the phenomenon of racism, racial discrimination, xenophobia and intolerance. Even greater efforts were needed by the international community in the fight to eliminate racism and racial discrimination.

Significant progress had been made in the democratic process in South Africa over the past year, he said. The dawn of a democratic, unified and non-racial South Africa was on the horizon. He expressed the hope that all ethnic groups in South Africa would freely and equally enjoy all political, economic, cultural and social rights, including an early end to the existing inequality in such areas as employment, education and health care. The international community should continue its opposition to all forms of racism and racial discrimination.

ADIAN SILALAHI (Indonesia) said that, as a unified country which had undergone a painful struggle to emerge from colonialism, Indonesia fully endorsed South Africa's new interim constitution, which rejected the idea of splitting the country into sovereign, ethnically based homelands. Such a division would have been tantamount to another form of apartheid.

He expressed concern at the continuing racial, ethnic and regional divisions and violence and called on the South African authorities to exercise their responsibility for the maintenance of law and order. They must stop the violence, prosecute those responsible and protect all citizens, irrespective of political affiliation. He called on all the parties to refrain from further acts of violence, particularly at the current critical juncture.

Indonesia had taken steps towards establishing a Consulate-General in Johannesburg in the near future, he said. In so doing, his country would be in a position to assist the new nation in addressing its grave socio-economic imbalances, particularly in the areas of health, education and housing, paying special attention to the needs of women and children.

SHOHEI NAITO (Japan) said every effort must be made to maintain the positive momentum in South Africa. The forthcoming elections must be held in a free, fair and peaceful manner. He urged all parties, including those which had not participated in the multi-party talks, to respect the agreements that had been reached, adhere to democratic principles and participate in the elections. The continuing violence in South Africa remained a matter of concern.

He said Japan had provided financial assistance to the victims of apartheid and to the efforts of the South African people to overcome their socio-economic problems, particularly in the areas of education, employment and health. In fiscal year 1993, Japan had allocated approximately $5 million for such aid. International cooperation was very important to ensure the success of the democratization process and of the upcoming elections. The

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Commission should adopt a consensus resolution on the current situation in South Africa, and the Government should respect the recommendations contained in the resolution adopted last year.

DIANE J. CONKLIN, of the United Nations Volunteers, said that human rights and international law were still being gravely violated in South Africa, resulting in deep anguish and pain. Nevertheless, it was also a time of hope. The Volunteers were proud to be playing a part in that process and would be assisting the United Nations Mission in the upcoming elections. Among other things, Volunteers would be working in provincial offices around the country, surveying areas assigned to the observer teams. They would be identifying polling station locations and working with local authorities to create the conditions vital to a successful election.

The United Nations Volunteers was administered by the United Nations Development Programme (UNDP). Each year, it fielded more than 3,000 Volunteers from more than 120 nations to serve in more than 115 countries. The Volunteers traditionally served in development programmes of the UNDP, other specialized agencies and Governments, and stood ready to serve in the areas of humanitarian relief, peace-building, human rights and democratization. More than 450 Volunteers had served for over a year with the United Nations Transitional Authority in Cambodia (UNTAC). Volunteers were also currently participating in the United Nations Operation in Mozambique (ONUMOZ), Liberia and Burundi.

T.J.B. JOKONYA (Zimbabwe) said that while much had been said about the peace dividends which should have followed the ending of the cold war, the reality had been nothing but dark clouds. At the Vienna World Conference on Human Rights, all nations had undertaken to uphold a wide spectrum of human rights principles. However, the ensuing months had revealed that to be a mere charade, a dialogue without decision. Where decisions had been made, they had been feeble and ineffective. Where action had been contemplated -- as in Angola or Bosnia and Herzegovina -- it had resulted in a record of despair, frustration and helplessness.

In southern Africa, the evolution towards a new socio-economic order was now a reality, he said. Nevertheless, the human rights situation remained deplorable. As former victims of a brutal, racist regime, Zimbabwe had no illusions about what the state of human rights would be following the April elections in South Africa. He called on the international community to come to the aid of the South African people at this hour. The European Union had a lot of influence over its former allies in South Africa. It must prevail upon those extremists to refrain from plunging South Africa into another blood bath.

PHILIP AMOAH, of the International Commission of Jurists, said there were no less than four major massacres in South Africa in July 1993 alone. Some 650 people were reported to have been killed in politically motivated attacks, more than half of whom lost their lives following the announcement of the 27 April election date. To ensure free and fair elections in South Africa,

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violence and intimidation must be curbed. Elections should take place on the agreed date, and they must also take place in the homelands and the independent states.

The legislation setting up the independent states should be repealed, he said. The Internal Stability Unit, the KwaZulu Police and other homeland police forces must play no part in policing the election. The United Nations must ccordinate the help from the international community.

He said the international community should provide at least one monitor at all times at all polling stations. It should provide senior police advisers to support the South African police at headquarters, as well as at every police station involved in policing the elections. It must also offer to provide a reserve peace-keeping force of four to five battalions, which would be under a South African commander and at the disposal of the Electoral Commission.

MYRIAM SCHREIBER, of the International Movement against All Forms of Discrimination and Racism, said that no one dared speak of ideals when faced with the situation in the former Yugoslavia. No one any longer spoke of solidarity when it could not be affirmed in the face of incredible injustice and cruelty. The nations which had united to proclaim human rights should find the strength to guarantee equal rights and a just and lasting peace.

Racism was nothing new, and it affected all continents, she said. In Europe, racial discrimination had been exacerbated in an intolerable manner. The old demons, thought to have been crushed following the Second World War, had been resuscitated by economic crisis. That had resulted in migrant workers, asylum-seekers and scapegoats. Faced with those problems, certain European countries -- namely, France, Belgium, Germany and Italy -- had been afflicted with "unprecedented legislative rage". In conjunction with other organizations, the International Movement held a seminar on implementing the international conventions on the protection of the migrant workers' rights.

J.J. KIRKYACHARIAN, of the Movement against Racism and for Friendship among Peoples, said racism was not only directed against migrant workers, it existed before and was anterior to the acts of racists. The terrible circumstances in the world today required more discussion. He cited the development of ideologies of exclusion which were based on religious justifications. Although the phenomenon of social exclusion was seen as an inevitable fact of life, it was actually a matter of choice. The world lived on the phenomenon of exclusion, as a motor ran on gas. To end racism, equality must be established between peoples.

EDITH BALLANTYNE, of the Women's International League for Peace and Freedom, speaking on behalf of 21 other non-governmental organizations, said that two decades of concerted action had not ended the phenomenon of racism. During the Third Decade to Combat Racism and Racial Discrimination, special education programmes should be developed. The media had an important responsibility in furthering that educational process. It had been said that the prohibition against advocating national, racial or religious hatred was in

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conflict with the right to freedom of expression. That was a false position and should be laid to rest.

It was important to realize the extent to which economic factors exacerbated racial tension, she said. The time was overdue to condemn anti-Semitism as a specific form of racism. The time also was overdue to devise measures to combat violence against migrant workers, indigenous peoples, the Romas, Muslims and the many vulnerable groups. All sectors of the United Nations system must coordinate their efforts to achieve the goals of the Third Decade.

RICARDO CHANGALA, of Service, Peace and Justice in Latin America, said he was hopeful for a successful election and the establishment of true democracy in South Africa. Those elements which had renounced violence were to be commended. Nevertheless, threats and dangers remained. Right-wing extremist groups must be curbed and distribution of weapons to them stopped. Members of such groups as the Freedom Alliance must be isolated. The violence in black districts had become a critical problem, and there was reason to believe that agents provocateurs often lay behind it. The Government must enforce its control over the police forces, which were often the source of attacks. The Government also must withdraw financial assistance to regions where the funds were used to undermine the democratic process.

DOUGLAS SANDERS, of the International Lesbian and Gay Association, said the interim constitution of South Africa would be the first such document in the world expressly to protect lesbians and gay men against discrimination on the basis of sexual orientation. Lesbian and gay rights were rights to human dignity and freedom, and had been recognized by the ANC for many years. However, while the media had given extensive coverage to developments in South Africa, its distinction as the first State expressly to protect lesbians and gay men had not merited even a line. He was shocked at how that important development had been greeted with the most profound, pervasive silence. In the face of injustice, "the sin was silence", he said.

MOULAY LAHCEN ABOUTAHIR (Morocco) said that while there had been positive elements in South Africa, the worsening of violence and intimidation, often perpetrated by extremists of all stripes, threatened to obstruct the process of democratization. It was also worrying that, despite the measures taken by the Government, segregation and social disparities persisted. Steps must be taken on a priority basis to restore hope to the people of South Africa and encourage confidence in the transition process. He expressed the hope that the Government would listen to the recommendations of the Ad hoc Working Group of Experts on Southern Africa. The Programme of Action for the Third Decade, which contained measures aimed at facilitating South Africa's transition to democracy, was of particular importance to his country.

ROGER WAREHAM, of the International Association Against Torture, said the population of African descent in the United States continued to live as a de facto separate nation, whose situatior resembled that of a developing country. The gains made during the civil rights/black power era had been short-lived. Other victims of that de facto policy of racist white supremacy

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included indigenous peoples, survivors of a genocidal colonial policy, Latinos and Asians.

The failure of the first two Decades made a Third Decade imperative, he said. The prior Decades had failed to link economics to social manifestations of racism. Nevertheless, it had been shown that the wealth of the average black in the United States was $4,000, compared to $44,000 for a white person. To establish the moral high ground, the Commission should reinforce its decision to have the Special Rapporteur begin working in the developed countries and should provide him with the necessary resources to do so. The first such investigation should be conducted in the United States.

MALIK OZDEN, of Centre Europe-Tiers Monde, said new discriminatory practices based on cultural differences had emerged in recent years. Those practices could be classified as racist, for they aimed at the exclusion of certain groups. The Swiss Federal Council had declared 1994 the "Year of International Security", implying security as seen by the police. Security of the State also seemed to be the main aim of the Schengen Agreement, which had been signed by several European Union States.

Equating immigration with criminality and terrorism created popular insecurity and supported the growth of racism, he said. Several provisions of the Schengen Agreement were contrary to the Geneva Convention on the Status of Refugees. Among them were provisions concerning visas, sanctions imposed on airlines for transporting passengers without proper travel documents, and penalties for illegally crossing State frontiers. All persons not of the "average type" risked being subjected to subtle forms of repression.

Under the pretext of safeguarding security, fundamental rights were being violated, he said. How could one allow people to be labelled "undesirable" merely on the basis of presumptions? How could one permit, under the guise of freedom of expression, a referendum asking that the people oppose the signing by Switzerland of the Convention on the Elimination of All Forms of Racial Discrimination? The time had come to oppose the spirit of exclusion of the Schengen Agreement.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/512
9 February 1994

SPECIAL RAPPORTEUR ON SITUATION IN FORMER YUGOSLAVIA CALLS ON HUMAN RIGHTS COMMISSION TO TAKE STAND ON SARAJEVO MASSACRE

GENEVA, 7 February (UN Information Service) -- The Special Rapporteur on the human rights situation in the former Yugoslavia, Tadeusz Mazowiecki, this afternoon called on the Commission on Human Rights to take a stand on the killing of 68 civilians during an artillery attack last Saturday in Sarajevo.

That was a crime of war against the civilian population and a flagrant and deliberate violation of human rights, Mr. Mazowiecki told the Commission, which was taking up the question of human rights violations around the world. The Special Rapporteur said the perpetrators of that crime should be prosecuted by the International Tribunal for the former Yugoslavia. He recommended that the Commission address itself to the Secretary-General and the Security Council so that they might take firm measures aimed at the implementation of resolutions on the protection of civilians. Words of condemnation alone no longer sufficed.

Commission Chairman Paul van Wulfften Palthe, of the Netherlands, also condemned the attack, calling it "an outrageous violation of international humanitarian law and of human rights". Those responsible for that "cowardly attack" should not go unpunished, he said. He announced that there would be continued consultations starting this evening with a view to reaching an agreement tomorrow on a statement conveying the strong reaction of the Commission to the attack.

Meanwhile, during the Commission's discussion of the situation in southern Africa, the consequences of assistance to South Africa and the struggle against racism and racial discrimination, speakers welcomed the results of the recent multiparty negotiations and the forthcoming elections. Challenges remained, however, as detailed in the reports of the Ad Hoc Working Group of Experts on Southern Africa and the Special Rapporteur on the transition to democracy in South Africa. Assistance to South Africa should continue beyond the elections.

Making statements this afternoon were the representatives of Australia, Malawi, Bulgaria, Venezuela, India, Bangladesh, Syria, Republic of Korea, Finland, Romania, Cuba, Pakistan, Cyprus, United States and Kenya, all members

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For information media--not an official record

of the Commission. Also taking the part as observers were the representatives of Greece (on behalf of the European Union), United Republic of Tanzania, Algeria and Senegal.

Statements on Question of Violations of Human Rights

In considering violations of human rights in any part of the world, the Commission's discussion this morning centred on the former Yugoslavia, on southern Africa and on the situation in South Africa, particularly as the election there were nearing.

TADEUSZ MAZOWIECKI, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, appealed to the Commission to take a stand in view of the horrible massacre that took place in Sarajevo on Saturday, 5 February, causing the death of 68 persons and leaving 200 wounded. That was a crime of war against the civilian population and a flagrant and deliberate violation of human rights. The perpetrators of that crime should be prosecuted by the International Tribunal for the former Yugoslavia, he continued. Words of condemnation alone no longer sufficed. It was also feared that despair could lead some to take revenge on the Serbian population, which could bring to an end the great tradition of peaceful coexistence in that city.

The Special Rapporteur recalled that after being appointed by the Commission, he had recommended that the heavy weapons used by the Serbs to shell Sarajevo be placed under effective supervision. That had not happened. On 6 May 1993, the Security Council had designated Sarajevo, Tuzla, Goradze, Srebrenica, Zepa and Bihac as "safe areas". In doing so, the Council had declared that in case any of the parties did not follow the resolution, it would be ready to consider the adoption of any additional measures necessary for full implementation. Saturday's crime involved the responsibility not only of its authors, but also of those who would remain passive or who would insist on merely uttering words of condemnation.

He recommended that the Commission address itself to the Secretary-General and the Security Council so that they might take firm measures aimed at implementing the resolutions for the protection of civilian populations. The voice of the Commission must be heard by the citizens of Sarajevo and by the whole world today.

CARL UNGERER (Australia) said Australia had committed up to $A 1 million to assist with the conduct of the South African election process. It was providing support to the Commonwealth and the South African Independent Elections Commission for the development of the electoral machinery and also would be providing personnel to assist in preparations for the elections. Australia had further contributed $A 250,000 to help establish the Commonwealth Election Observer Group and would provide observers to participate in the United Nations Observer Mission to South Africa (UNOMSA).

He went on to say that despite the positive steps taken towards the elimination of apartheid, Australia remained seriously concerned by continuing

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reports of human rights abuses in South Africa. It was particularly concerned by reports that over 4,000 deaths had occurred as a result of political violence in 1993, for which the security forces were directly or indirectly responsible. Political violence in South Africa was, of course, a very complex issue and one which South Africa itself must confront.

Australia urged all interested members to work together to develop an effective and relevant programme of action for the third Decade against racism. As part of Australia's commitment to eliminating racism and working towards national reconciliation, the Government had established, in April 1993, the Aboriginal and Torres Strait Islander Social Justice Commission.

N.M. MWAUNGULU (Malawi) announced that following the national referendum in June 1992, far-reaching and irreversible legislative measures had been enacted in the National Parliament to entrench basic human rights. Malawi would hold its general election barely three weeks after the general election in South Africa. For southern Africa, peace in Mozambique was a welcome stabilizing factor. The prospect of peace being achieved in Angola was another welcome stablizing factor in the region. That was the context in which he welcomed the report on the monitoring of the transition to democracy in South Africa.

The ratio of 5,000 international observers to 8,000 polling booths was too large and, if not redressed, would negatively impact on the outcome of the general election. National reconciliation must go hand in hand with national reconstruction and a sustained programme of fair and equitable distribution of the country's wealth to those who had been denied for too long. The Special Rapporteur to monitor the transition to democracy in South Africa should be given more time to study and complete her next mandate on the economic and social aspects of the transition to democracy in South Africa.

LUDMILA BOJKOVA (Bulgaria) said she was encouraged that at its first meeting on 7 December 1993, the Transitional Executive Council had endorsed a resolution requesting the United Nations to provide a sufficient number of international observers to monitor the electoral process in South Africa and to coordinate the activities of international observers from the Organization of African Unity (OAU), the European Union, the Commonwealth and from Governments. Bulgaria was well aware, however, of the remaining challenges, particularly of the level of politically motivated violence. It called upon all parties in South Africa to do their utmost to bring an end to the killing. In that endeavour, they could rely on the support and assistance of the Commission on Human Rights.

Bulgaria attached particular importance to recommendations aimed at taking confidence-building measures between the political parties, promoting tolerance, avoiding inflammatory statements and ensuring broader participation in the coming elections. Beyond the important task of observing the forthcoming election, the international community should continue to monitor the transition towards democracy and social justice. The process of accommodation to post-apartheid realities could pose various obstacles to the promotion and protection of human rights, she noted.

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ALFREDO TARRE MURZI (Venezuela) said the Commission should pronounce itself quickly about the tragedy in Sarajevo. On racism, he said Venezuela could speak authoritatively about racial discrimination as its people had always been a people free of racial prejudices. For that reason, Venezuela was satisfied with the transition in South Africa. In addition to South Africa, there were countries in Europe, Asia, Africa and the Americas where racial discrimination still existed. In the Americas, there was still discrimination against indigenous groups, blacks, mestizos and mulattos. They were victims of new and subtle forms of discrimination. Few blacks or Indians held high political or institutional posts in American countries. In Europe, old and sacred principles of asylum were being abandoned, and migrant workers and students from Latin America, Africa and Asia faced discrimination. He hoped that in the future the Commission could examine the new form of discrimination that kept millions of people seeking a better life from the benefits and progress of Western and European civilization.

NEELAM D. SABHARWAL (India) said that while the announcement of election dates, adoption of the Electoral Bill and the establishment of the Transitional Executive Council had made irreversible the process of transformation of South Africa into a united, democratic and non-racial country, several problems continued to afflict South African society. Those were the continuing phenomenon of violence, the need to establish an environment of political tolerance, and the need to find effective and durable solutions to the socio-economic inequities. The success of the emerging South Africa would depend upon two fundamental factors -- a democratic and non-racial political structure and equitable socio-economic development in the post-apartheid South Africa. The international community and the United Nations would need to continue to support that process.

The glaring economic and social inequalities existing in South Africa demanded urgent solution, the speaker went on. The report of the Human Rights Commission on South Africa indicated that socio-economic factors had also contributed to the increasing levels of violence. Urgent attention to that problem would also assist the future Government of a united, democratic and non-racial South Africa in its important tasks of social and economic reconstruction.

ANWAR HASHIM (Bangladesh) said concern remained regarding some South African groups and conservative elements that had not yet chosen to associate themselves with the ongoing political process. At that crossroad of South Africa's history, all parties involved should shun their narrow political or ideological differences and pursue the common goal of closing off the sad chapter of apartheid from the history of mankind. The human sufferings resulting from ongoing political violence were unfortunate at a time when all parties concerned were expected to make bridges of friendship and good human relations essential for the conduct of successful national elections in South Africa.

The General Assembly, at its last session, had adopted the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. As apartheid faded away, the world was witnessing the emergence of new forms of

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racism, intolerance, xenophobia and racial hatred, he went on to say. The most brutal among the new forms of racism was occurring in Bosnia and Herzegovina. Thousands of Bosnian men, women and children had been killed, hundreds of Bosnian villages and towns had been emptied by the abhorrent practice of "ethnic cleansing". Could the world afford to remain a silent spectator to that new manifestation of racism and intolerence? He called upon the international community to bring that "carnage and savagery" to an end without further loss of time. The people of Bangladesh were appalled by the lack of convincing response of the global community to the massive and systematic violation of human rights in Bosnia and Herzegovina.

CLOVIS KHOURY (Syria) said the progress made in South Africa over the past year had been heartening. However, a heavy price in blood had been paid up to now, and it was necessary to recognize that the reality was still harsh and bitter. It was necessary to be vigilant until the election was successfully concluded, and for some time afterward, as the effects of apartheid were dismantled. Violations of human rights continued. It was important to intensify efforts to block any attempts by extremist or racist elements to disrupt the election. The international community must be watchful and supportive, and the Commission must continue to monitor the situation there.

CHANG IL PARK (Republic of Korea) said that while the political atmosphere had improved significantly, continued human rights violations and endemic violence in South Africa were a cause for concern. Political intolerance continued to result in violence and death constituting a formidable obstacle to the transition to democracy in South Africa. There were various forces in South Africa opposed to what had been achieved so far; they sought to create obstacles to the smooth transition to democracy, in particular, through resort to force. He once again called upon all parties to refrain from acts of violence.

Socio-economic inequalities in South Africa would be a threat to the stability of a new democratic South Africa once the apartheid system was fully dismantled. It was, therefore, important that the international community provide long term assistance to South Africa, particularly in the areas of human resource development, housing and employment. It was timely and appropriate that the Security Council had decided to expand UNOMSA so as to provide a sufficient number of observers to monitor the electoral process.

RISTO VELTHEIM (Finland), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the Commission should address a strong appeal to the political leaders in South Africa to allow the free expression of their views throughout the country by all South Africans in the course of the campaign, and freely to take part in the elections, without intimidation or any other obstruction of the democratic process. No important political party should be left out of this historic transition. A boycott of the elections was a boycott of democracy itself.

Such vital matters as the system of education, health care, the public sector, labour markets, police force, press and media needed attention and

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profound reform before full equality between all citizens could be achieved. In the near future, the most important task was to give an adequate response to the request from South African authorities for electoral assistance and monitoring. The Foreign Ministers of the Nordic countries had recently renewed their commitment to continue to assist South Africa during the transition period, and there would be further support for economic and social development following the final abolition of apartheid.

The Nordic countries gave their full support to the preparations of the third Decade against racism, he stated. In the context of efforts to rationalize the future work of the Commission, there should not be more than one instrument to monitor the transition period and, obviously, only one agenda item on the human rights situation in South Africa.

TUDOR MIRCEA (Romania) said the Declaration and Programme of Action of the Vienna Conference provided recommendations and directions for action which could make an important contribution to the Commission's resolutions and documents. The elimination of prejudice and racial discrimination had lost no importance since the First Decade was announced. Firm measures were required in the matter. Accordingly, the Romanian Government on 25 March 1992 had taken action to condemn certain publications of a chauvinistic or anti-Semitic nature. The Government had taken other concrete steps to stop racism in Romania. It supported the view that the Commission's resolutions should refer to the phenomenon of anti-Semitism. A culture of human rights had to be built by education with the objective of promoting understanding, tolerance, peace, friendly relations between peoples and between racial and religious groups.

JOSE PEREZ NOVOA (Cuba) said that while sharing with satisfaction and pride the successes achieved in South Africa, one could not ignore the real dangers that could obstruct the total elimination of the apartheid system. The opposition of extreme right-wing whites and conservative blacks to the agreements reached could not be underestimated. Also, the consequences of 45 years of racial intolerance borne by the black population could not be forgotten. That reality could not be overcome merely by giving black people the vote. Furthermore, despite the positive steps taken by President F.W. de Klerk, violence persisted. The efforts of African National Congress of South Africa (ANC) President Nelson Mandela towards a united, democratic and multiracial South Africa deserved a special homage. The international community should continue to pay due attention to the South African process and offer its cooperation so that the people of South Africa could finally enjoy a fair society free of all discrimination.

Paradoxically, continued Mr. Novoa, while events in South Africa seemed to reflect a positive pattern of change, intolerance and racial discrimination had re-emerged in Europe and North America. It was the Commission's duty to raise its voice in protest and take the necessary action totally to eradicate such practices.

RAO SIKANDAR IQBAL (Pakistan) said he hoped the elections in April would be held on time and bring a truly democratic system to South Africa. He also hoped that the Government of South Africa would ensure that the elections were

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conducted in an atmosphere of peace and security, and that people would be able to exercise their democratic rights without any fear or favour. The international community expected that the South African Government would be completely neutral and impartial in holding fair and free elections.

Clear-cut guarantees for the protection of the political and economic interests of the minority and distribution of power to the various regions and "homelands" remained contentious issues. It remained a solemn obligation to extend wholehearted support to the struggle of the people of South Africa for self-determination and majority rule. Pakistan also urged the international community to extend its full support to the democratic forces in South Africa and to ensure that the nefarious designs of extremist elements were not allowed to succeed. South African friends would not find Pakistan lagging behind in the struggle to build the country anew.

SOTIRIOS ZACHKEOS (Cyprus) said that among the most dramatic changes in the international scene of recent years, with a profound effect in the area of human rights, had been the beginning of the process for dismantling apartheid. In 1993, the world had welcomed with relief agreement on a date for holding democratic elections on a transitional constitution and establishment of the Transitional Executive Council. South Africa was now faced with great challenges and great opportunities for achieving the goal of a peaceful, united, non-racial and democratic country. All political forces should respond to those challenges with foresight, to avoid the violence that would inflict further suffering on the people and to truly cooperate in bringing about an end to of racial discrimination, without a bloodbath. Unfortunately racial discrimination was not restricted to South Africa only. In Cyprus, the policy of expelling the Greek Cypriots from their ancestral homes in the occupied part of Cyprus was but another example of intolerance based on race.

CHARLES P. HENRY (United States) said that the binding constitutional principles pledged by the negotiating parties provided a set of checks and balances that should help ensure a genuinely democratic and open system in South Africa. The United States and the international community insisted that the future holders of power in South Africa honour those solemn commitments. He was pleased to note the number of women in certain political parties who were candidates for office in the April elections. Parliament's recent decision to dismantle the homelands system was an excellent step towards integrating all South Africans into the social and political life of the country.

In a country where the infant mortality rate was 10 times higher for blacks than for whites, and where an estimated 7.5 million people had no permanent shelter, there remained much to do. The real test for the Commission and the world community would come after April, when the new Government took power. The United States was very concerned about the violence that plagued South Africa. The Commission should form a working group, which could begin meeting immediately to discuss measures to assist the Transitional Executive Council.

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D.D.C. DON NANJIRA (Kenya) said the unjust system and policy of apartheid was always doomed to fail. The independent experts had provided useful information which was disturbing and yet encouraging. The shift to a non-racial society was now to be a reality. The positive changes that had taken place this year had to be noted. Yet, apartheid still existed in all its forms. It had been established for 45-odd years and, unfortunately, would not disappear overnight. There was an urgent need for the Government of South Africa to continue to coordinate with the United Nations events leading to the democratic election. All parties should unite behind that democratic process and shun violence. The military had to maintain order, not disorder. In addition, the speaker said, African American academics and other members of the academy could continue to hold seminars and information meetings with a view to informing people.

JOANNIS BOUKAOURIS (Greece), speaking on behalf of the European Union, said the Union, fully shared the idea contained in the note by the Secretary-General transmitting the Programme of Action for the third Decade to combat racism, to the effect that the national measures taken by States constituted the first contribution to the elimination of racial discrimination. In giving its support to the activities of the United Nations in that field, the European Union manifested its most firm rejection of all forms of racism, racial discrimination and xenophobia, including anti-Semitism, which the Commission should condemn unconditionally.

The declarations adopted by the Council of Europe in 1990 in Dublin and in 1991 in Maastricht constituted the cornerstone of European action on that question. Those declarations had been reaffirmed in 1993 in Copenhaguen, when the Council pledged that the States members of the European Union would do their utmost to protect immigrants, refugees and other populations from racism and intolerance.

A number of States had demonstrated their political will to fight against racism and xenophobia, he continued. The international community could be satisfied at the transition in South Africa. However, far from diminishing, racist and ethnocentric practices were becoming worse. The "ethnic cleansing" which had become a policy in the former Yugoslavia was the most flagrant of those. The perpetrators of those crimes should be prosecuted.

E.E. MTANGO (United Republic of Tanzania) said that as some welcome changes were taking place, the Ad hoc Working Group of Experts should now be allowed to visit South Africa and prepare a report that might permit the Commission to review and modify its future mandate. The right to life was still being violated with impunity. There were credible reports of torture and cruel, inhuman and degrading treatment by members of the South African police and homeland police forces. Children had been arrested and held in adult jails or prisons. There were various reports alleging lack of fair trial, denial of freedom of association and assembly, an unequal education system and discrimination against women, particularly black women.

Although the South African Government had taken positive measures towards dismantling apartheid, important obstacles to enjoyment of human rights

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remained. The Commission should, therefore, continue to consider the human rights situation in South Africa as a priority item. The international community, for its part, should demand that the Government ensure that the forthcoming elections were conducted in a free and fair manner.

LAZHAR SOUALEM (Algeria) said that according to the reports before the Commission, the violence in South Africa had taken on such a dimension that it was liable to obstruct or slow down the process under way. Urgent action was needed, therefore, in three areas: in education, so as to make schooling universal and take children out of the cycle of violence; in training, so as to achieve the changes in mentality necessary in law enforcement and the judiciary; and in the spread of social well-being, as South African society needed social justice. The Ad Hoc Working Group of Experts should change its mandate with a view to rendering the implementation of human rights in South Africa irreversible.

United Nations action against racism and racial discrimination during the last two decades had been insufficient, he went on. That was why Algeria rejoiced at the adoption by the General Assembly of the resolution proclaiming the Third Decade to Combat Racism and Racial Discrimination. The emergence of new forms of racism, including discrimination against migrant workers, the resurgence of nationalism and its visible manifestation and "ethnic cleansing", was a major source of concern. The speaker paid homage to the Committee on the Elimination of All Forms of Racial Discrimination for the work it carried out.

IBRA DEGUENE KA (Senegal) said the planned elections in South Africa reflected the wish of all Africans for a peaceful, just and democratic society there. The process had to be impartially monitored. Still, an end must be put to violence in all forms, regardless of the source. It was possible to build in South Africa a multiracial community, one that was coherent and at peace with itself.

Post-apartheid South Africa would need international support, he said. Technical assistance from the Human Rights Centre was essential in areas ranging from personal rights to education of security personnel and the administration of justice. In the third Decade of the battle against racism, care had to be taken to avoid marginalization of minority groups, and greater use had to be made of the opportunities provided by non-governmental organizations.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/513
10 February 1994

COMMISSION ON HUMAN RIGHTS CALLS FOR ACTION TO STOP VIOLATIONS IN BOSNIA AND HERZEGOVINA

Hears Address by British Minister As It Takes Up Economic, Social, Cultural Rights

GENEVA, 8 February (UN Information Service) -- Expressing shock at the "horrible massacre" at the Sarajevo market last Saturday, the Commission on Human Rights this morning called for firm and resolute action by the international community to stop human rights violations, "ethnic cleansing" and other genocidal acts, rape and abuse of women, strangulation of cities, and shelling and killing of civilians in Bosnia and Herzegovina.

In a statement read out by its Chairman, Peter van Wulfften Palthe, of the Netherlands, the Commission declared that the deliberate and indiscriminate shelling of the civilian population of Sarajevo was "part of a pattern of despicable and outrageous violations of international humanitarian law and human rights". It also called for a secure, just and lasting peace in Bosnia and Herzegovina and for war criminals to be brought to trial. The Chairman requested Assistant Secretary-General for Human Rights, Ibrahima Fall, to transmit the statement to Secretary-General Boutros Boutros-Ghali.

Also this morning, Douglas Hogg, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom, called on the Commission to appoint a special rapporteur to empower and to carry out the aims of the Declaration on the Elimination of Violence against Women, which the General Assembly proclaimed at its 1993 session. Also, he said Governments must act to eradicate the evils of incommunicado detention if their stated rejection of the crime of torture was to be credible.

As the Commission ended its general debate on the question of human rights in southern Africa, Zola S.T. Skweyiya, representative of the African National Congress of South Africa (ANC), appealed to those Governments in the West that had close contact with political parties, especially with the Inkatha Freedom Party (IFP), to use their influence to dissuade them from the option of violence and secession. In addition, he called on the Commission to persuade the right-wing parties, especially the IFP and the Bophathatswana and

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For information media—not an official record

Ciskei governments, to allow free political activity in "the areas and fiefdoms" they controlled.

The Commission's Special Rapporteur on contemporary forms of racism and xenophobia, Glele Ahanhanzo, of Benin, and the Chairman of the Working Group of Experts on Human Rights Violations in Southern Africa, Leliel Mikuin Balanda, of Zaire, thanked delegates for their contribution with respect to their reports.

In the debate on human rights in southern Africa, the representatives of Egypt, Turkey and Spain participation as observers. Representatives of the International Fellowship of Reconciliation, the International Association of Educators for World Peace, and the African Association of Education for Development also spoke.

Mohamed Ennaceur, of Tunisia, Chairman of the Commission's Working Group on the Right to Development, and Luis Valencia Rodriguez, of Ecuador, independent expert on the right to own property, introduced their reports.

Economic, Social and Cultural Rights

Before the Commission, in connection with the question of realization of economic, social and cultural rights, is the comprehensive report of the Secretary-General on the repercussions and prospects of the debt crisis and adjustment programmes on the effective enjoyment of economic, social and cultural rights of developing countries. The report contains information from the Governments of the Czech Republic, Pakistan and Yugoslavia (Serbia and Montenegro); United Nations bodies and specialized agencies; intergovernmental organizations; and non-governmental and other organizations.

The Commission will also consider a note by the Secretary-General on human rights and extreme poverty which reports on the activities undertaken to implement the provisions of Commission resolution 1993/13, notably his note verbale to States, specialized agencies, United Nations bodies and other organizations requesting them to cooperate with the Special Rapporteur on that question, Leandro Despouy, of Argentina.

There is also a report on the right of everyone to own property alone, as well as in association with others prepared by independent expert Luis Valencia Rodriguez. Among other things, Mr. Rodriguez concludes that the basic right of the individual to own property and develop it to its full economic potential may be regarded as an essential human right and a fundamental freedom.

In addition, the Commission will examine the analytical report on forced evictions compiled by the Secretary-General, in accordance with Commission resolution 1993/77. That resolution provides a strong legal basis for preventive measures against the practice of forced evictions. The report attempts to present a complete picture of the problem worldwide, and it

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contains information from the Governments of Bolivia, Colombia, Chad, Italy, the Niger, Turkey and Ukraine on their experience associated with that practice.

Realization of Right to Development

Under the item on realization of the right to development, the Commission will consider the report of the Working Group on that right covering its first session held last November. The year 1993 constituted a landmark in the right to development, the report states. That right had been reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. In resolution 1993/22, the Commission had reaffirmed the need for an evaluation mechanism to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development. The Working Group had identified as obstacles to realizing that right the failure to respect the right of peoples to self-determination and to their their permanent sovereignty over natural resources, and the adoption of inappropriate development strategies.

Status of International Human Rights Covenants

The Commission has before it the report of the Secretary-General indicating the status of the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights and its Optional Protocol. According to the 17 December 1993 report, 127 States had acceded to or ratified the economic, social and cultural rights Covenant. The Covenant on civil and political rights, meanwhile, had 124 States parties, and its Optional Protocol had been ratified or acceded to by 74 States.

Another report of the Secretary-General contains information on the succession and accession of States to international human rights treaties. The report recalls that Commission resolution 1993/23 encouraged successor States to confirm that they continued to be bound by obligations under relevant human rights treaties. The report contains information on the former Soviet Union, the former Yugoslavia and the former Czechoslovakia.

Effective Functioning of United Nations Human Rights Treaty Bodies

The Commission will have before it the recommendations of representatives of international human rights treaty bodies made when they met during the World Conference on Human Rights in Vienna last year.

Statement by United Kingdom Minister

DOUGLAS HOGG, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom, recalled that the World Conference had confirmed that human rights were a legitimate concern of the international community. How could violations be stopped from happening, he asked. Three principles: accountability -- being able to ask difficult questions and hold Governments

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to account for the answers; the rule of law -- which prevented bullying by bureaucracy, as well as any resort to tyranny; and the free exchange of knowledge, which lay at the heart of the answer to the issue.

The Vienna Declaration and Programme of Action gave special prominence to freedom from torture. It emphasized that torture was one of the most atrocious violations of human dignity and affirmed that freedom from torture was a right that must be protected under all circumstances. It was clear from the Special Rapporteur's report that the two main things that facilitated torture and prolonged incommunicado detention were de jure or de facto impunity for the guilty. Governments must act to eradicate these evils if their stated rejection of torture was to be credible.

Concerning practical measures to alleviate the suffering of torture victims, he announced an increased contribution of £35,000 by the British Government to the United Nations Voluntary Fund for the Victims of Torture.

Children, he continued, were one of the most vulnerable groups in any society. Street children were a particular concern. The violence perpetrated against them in some cases threatened the most fundamental right of all -- the right to life. Another particularly vulnerable group were the children of broken homes. Where the relationship between parents broke down, their children inevitably suffered. One way of helping to solve those problems was through the two international conventions on child abduction. While many countries had ratified those, the majority had not. Encouraging universal adherence to The Hague and European Conventions on Child Abduction was, therefore, a primary objective for the United Kingdom in the field of children's rights.

The Vienna Declaration and Programme of Action also highlighted the question of the equal status and human rights of women, he went on. One aspect, in particular -- violence against women -- was of growing international concern, he continued. The Commission should now appoint a Special Rapporteur to give teeth to the Declaration.

Views of Delegations

REDA BEBARS (Egypt) said that through the organization of non-racial elections scheduled for 27 April, Nelson Mandela and F.W. de Klerk had laid the basis for a democratic and free State. The international community was aware of the obstacles; however, those only reinforced their commitment to the people of South Africa. The participation of all in the elections was vital. Egypt appealed to all the parties to abandon violence and respect human rights.

He paid tribute to the Ad Hoc Working Group of Experts on Southern Africa and the Special Rapporteur on the transition to democracy in South Africa, Judith Sefi Attah. The international community must be very vigilant to enable South Africa to establish democracy on a firm basis. Egypt welcomed the Programme of Action for the Third Decade to Combat Racism and Racial

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Discrimination. Within that programme could be found the machinery to help the parties concerned in South Africa put a definitive end to apartheid on all levels.

Regarding the former Yugoslavia, those responsible for the policy of "ethnic cleansing" must be punished. He called on the international community to help lift the embargo against Sarajevo so that its people might defend themselves.

GUNDUZ AKTAN (Turkey) said the International Convention on the Elimination of All Forms of Racial Discrimination had complicated the fight against racial discrimination by confusing it with other types of discrimination. That was why Turkey did not wish to become a party to it. In racism, there was no real cause, although the racist raised many arguments to that effect. In a sense, the victim did nothing particular to deserve the hatred of the racist. One could improve human rights the world over if one could stand up to all violations, regardless of their authors or origins. Was it a coincidence that religious fundamentalism, ethno-nationalist terrorism and racism occurred at the same time in the world? They had at least one common, essential point. They all were exclusive.

FERNANDO M. VALENZUELA MARZO (Spain) said racism, xenophobia and related forms of intolerance were, regrettably, far from gone from the world, despite progress in dismantling the most renowned and institutionalized instance of racism -- apartheid. Spain was far from free from problems with racism, although the country was aggressively prosecuting offences when they occurred. Plurality, an essential factor of the European identity, should be a source of strength rather than a cause for division or violence. It was unfortunate that extreme reactions to diversity could lead to such tragedies as were occurring elsewhere in Europe. Education was essential for encouraging understanding and tolerance, and continued dedication to eliminating racism was needed from the international community.

ZOLA S.I. SKWEYIYA, representative of the ANC, said the adoption of the interim Constitution demonstrated the need for cooperation by all democratic parties in the negotiation process in South Africa. It also demonstrated the dangers posed by the right-wing parties in South Africa to the democratization process. There was the possibility of civil war, he said. It was with that in mind that the ANC appealed to those Governments in the West who had close contact with those parties, especially with the IFP, to use their influence to persuade the IFP from the option of violence and secession. The ANC also called on the Commission to persuade the same right-wing groups, especially the IFP, and the Bophathatswana and Ciskei governments, to allow free political activity in the areas and fiefdoms they controlled, he stated.

Most of the violence which had claimed thousands of lives over the last 12 months had been attributed to the lack of free political activity and the involvement of the security forces, both in the "homelands" and in South Africa proper. The de Klerk administration had completely failed to guarantee the ordinary black South African citizen the protection of his or her life and property. For that to happen, the South Africans needed the support of the

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international community. The existing missions of the United Nations, the Organization of African Unity (OAU), the European Community and the Commonwealth needed to be strengthened, both in number and resources. The experience of Cambodia during its elections needed to be repeated in South Africa, he said.

DAVID LITTMAN, of the International Fellowship of Reconciliation, said that the growth of manifestations of prejudice and recent widespread acts of violence linked to them were a vivid indication of the pressing need for increased educational programmes promoting mutual respect, tolerance and moderation. In India, a constructive analysis should be made of the ways and means by which the United Nations might help to end that ancestral tragedy still affecting about 100 million "untouchables". In Pakistan, and in some other countries of the Islamic world, the Government was faced with a revival of another form of "separation", the traditionalist division of the world, first into Muslims and non-Muslims, and again into the regions of Islam and the regions of war.

He went on to say the persistence and resurgence of anti-Semitism -- one of the oldest and most virulent forms of racism known to human history -- should be explicitly addressed in resolutions adopted by the Commission and by other bodies. The "Jewish question" had definitely been revived in the wake of the collapse of the Communist régimes and had become inextricable from all the nagging issues of national identity.

WILDA SPALDING, of the International Association of Educators for World Peace, said that all must refuse the excuse of "lack of funds" and grasp the force of will to implement the Programme of Action. One of the most serious causes of why the action programme was not being carried out was the gross under-utilization of the expertise and resources of non-governmental organizations. That was nothing short of scandalous in the light of the severe "cold cash" shortage for the work of human rights.

Continuing, he said all must sit down as partners for action and exchange practical actions and services. The non-governmental organizations could be encouraged to offer expertise as specialists. At least, they could introduce professional fund-raising organizations known to them to donate time and services to the United Nations. To assure that the Programmes of Action did not become programmes of financially frustrated inaction, all must embrace bold new initiatives aggressively.

C.M. EYA NCHAMA, of the African Association of Education for Development, said that in order better to fight racism and racial discrimination, one had to address two fundamental issues: racism within every State, and racism in the context of migratory movements. To win the battle against racism within States, one had to do away with the old concept of the nation State where there were two citizens: the "authentic" or true citizen, and the second class citizen. To combat prejudice, school curricula should include the international instruments on human rights. Journalists had also to be educated in accordance with the ideas defended by the Commission.

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He said that as at present a large part of the world population moved from place to place, be it as tourists or as workers, now was the time for the United Nations to convene a conference on migratory movements and to solve that problem on a global level. Among other things, the Commission should recognize anti-Semitism and prejudice against gypsies as particular forms of racism and consider the question of migratory movements in the global and bilateral contexts.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/514
10 February 1994

EL SALVADOR, CITING HUMAN RIGHTS PROGRESS, ASKS END TO 13 YEARS OF SCRUTINY BY COMMISSION ON HUMAN RIGHTS

Foreign Affairs Minister Tells Commission His Country Has Replaced "War Culture" with "Peace Culture"

GENEVA, 8 February (UN Information Service) -- The Minister for Foreign Affairs of El Salvador asked this afternoon that the Commission on Human Rights drop his country from its agenda after 13 years of international scrutiny and yearly reviews of its human rights performance.

Over that time, El Salvador had gone from a state of "armed conflict" to a state of peace, and had shown a constructive attitude and cooperated fully with United Nations agencies and regional authorities, Foreign Minister Miguel Angel Salaverría told the Commission. International support could turn into a barrier, however, if the world community followed the recommendations of those who wanted to keep El Salvador under unnecessary observation when progress towards human rights was extensive and irreversible.

It has been noted by the Commission that conditions in El Salvador originally were considered under its agenda item entitled "Question of the violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories". In 1992, acknowledging progress and cooperation shown by the Salvadorian Government, the Commission placed the matter under the less strict rubric of "advisory services", under its item on organization of work.

Following the Foreign Minister's speech, the Commission continued debate on items dealing with economic, social and cultural rights; the status of the International Covenants on human rights; and the right to development. The importance of economic development was cited by several speakers. The representative of Colombia said an effective development policy based on world trade was needed, adding that the economic model advocated by developed societies for adoption by poorer nations did not work. The representative of Chile said there was a need to reconcile recent tangible progress made in civil and political rights with insufficient progress made in the realization of economic, social and cultural rights.

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For information media--not an official record

Addressing the Commission this afternoon were the representatives of China, Colombia, Chile, Sudan, Sweden (speaking on behalf of the Nordic countries) India, Cuba and Canada.

Representatives from the following non-governmental organizations also made statements: International Human and Ethical Union, International Confederation of Free Trade Unions (ICFTU), International Fellowship of Reconciliation, and American Association of Jurists.

Address by El Salvador Foreign Minister

MIGUEL ANGEL SALAVERRIA, Minister for Foreign Affairs of El Salvador, said the people and Government of his country expressed gratitude for the concern shown and action taken by the Commission on behalf of El Salvador. An agenda item on El Salvador had been before the Commission for about 13 years. Over that time, there had been great progress in human rights. El Salvador had had a constructive attitude towards international monitoring and had fully cooperated with United Nations agencies and regional authorities.

El Salvador had chosen the path of consolidating peace, national reconciliation and strengthening of the rule of law, Mr. Salaverría said. Proof of that willingness to contribute to full enforcement of human rights was the decision to conclude the San José Agreement on Human Rights signed in the presence of the United Nations Secretary-General on 26 July 1990. The establishment of the United Nations Observer Mission in El Salvador had proved a valuable experience. Currently, there were more than 150 observers scattered through the country who acted absolutely freely. Their presence was a good national and international guarantee that human rights would be respected.

Positive developments in recent years had to be taken into consideration and be reflected in the final deliberations of the Commission on the human rights situation in El Salvador, the Foreign Minister said. The item must be approached from a realistic standpoint, taking account of the changed circumstances.

At present, there was a problem of ordinary criminality, which arose from the post-war situation, he continued. Criminals were taking advantage of the period of transition, when old law-enforcement institutions gave way to new ones. That must not be mistaken for fundamental human rights violations, or linked to the authority of the State. The Government had invited the world to an international forum on a culture of peace, to be held in February, coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Many States would be present, and the country hoped for a useful exchange of experience on how to settle disputes peacefully.

In the future, El Salvador would promote a peace-culture policy and would search for innovative solutions, Mr. Salaverría said. A war culture had been dropped in favour of a peace culture. El Salvador invited the rest of the world to support it in that grand undertaking. International support could turn into a barrier, however, if the world community followed the

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recommendations of those who wanted to keep El Salvador under unnecessary observation when progress towards human rights was extensive and irreversible. The country asked to be removed from the agenda of the Commission.

Statements by Delegations

PANG SEN (China) said that past experience showed that the implementation of the right to development was much more difficult than its recognition. In considering the question of the realization of the right to development, the Working Group should face the reality of current international economic relations and the difficult situation of the developing countries, paying special attention to their development needs. China hoped that, with the universal recognition of the right to development, the developed countries would join the efforts of the developing countries in promoting that right.

Based on its own experience of reform and opening to the outside world, China realized that to achieve a steady and sustainable development of the economy and ensure the full enjoyment by the people of the benefit of development, a country had, first of all, to maintain its national and social stability; it was only under that precondition that it could concentrate on developing its economy, raising the living standard of its people, and strengthening democracy and the rule of law.

MARIA CARRIZOSA DE LOPEZ (Colombia) said that perhaps to avoid polarizing polemical debates used both to justify and to oppose the right to development, that right should be discussed in tandem with the global economy. Human development could not be brought about without resolving the question of the global economy. The production of wealth without welfare was futile, and an endless number of barriers existed. An effective development strategy based on world trade was required. Developing countries were dealing with economic inconsistencies. The economic model imposed by developed societies did not work. The enjoyment of economic, social and cultural rights did not depend on covenants, but on the implementation of covenants -- thus, on the State's responsibility to create circumstances in which those rights could be enjoyed.

PEDRO OYARCE (Chile) said economic, social and cultural rights were by no means new rights, but formed an essential part of the doctrine of the international bill of human rights. A kind of superiority in the status of civil and political rights and a radicalization of positions had led to a pronounced North-South dialectic in the treatment of human rights. It was advisable to reverse that situation in order to avoid weakening a concept built on the belief in human dignity.

He said that to hold a Government responsible for cases of disappearances, torture, extrajudicial or summary executions had been internationally more acceptable than holding it responsible for actions or omissions linked to development. The consecration of the principle of indivisibility did not mean that lack of development could be invoked to justify limiting universally recognized human rights. There was a need to

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reconcile the tangible progress made on civil and political rights with the insufficient progress made in the realization of economic, social and cultural rights.

ABDEL MONEIM HASSAN (Sudan) said a constructive dialogue on realizing the right to development could not take place without international cooperation. Unfortunately, the international community was still very far from that desired objective. Development was an integral process that could not be broken down into piecemeal economic measures. The present international economic system was unjust, as it did not fulfil the conditions to achieve development. The conflicts of today, such as civil war, were a reflection of past injustices. International assistance was decreasing at the same time that the needs of the developing countries were increasing. And aid efforts were being focused on Eastern Europe to serve strategic interests.

He said the right to development was an inalienable human right. International cooperation "was a must" in order to eliminate the obstacles to development. The international community must assume its responsibility in that regard. The Commission needed to adopt a major resolution on foreign debt.

JOHAN MOLANDER (Sweden), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said the five had ratified the International Covenant on Civil and Political Rights, together with the Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, as well as the Convention on the Elimination of Discrimination against Women, and the Convention on the Rights of the Child. The Convention against Torture had been ratified by four Nordic countries and was in the process of ratification by the fifth. There still were a number of States that had not ratified those instruments, and the Nordic countries strongly urged them to do so.

Ratification of international human rights instruments was not, however, an end in itself. It must be followed by thorough implementation. Unfortunately, several of the treaty bodies had had to give notice that a considerable number of reports were overdue. While the reporting obligation might be burdensome, the timely submission of reports remained the responsibility of each individual State party.

The States parties, the General Assembly, and the Economic and Social Council should consider studying existing treaty bodies and mechanisms in order to promote greater efficiency and coordination, thereby avoiding duplication and overlapping of mandates and tasks. The Nordic countries noted with serious concern the increasing number of far-reaching reservations States had made when acceding to or ratifying human rights treaties, he concluded.

JAMES DILLOWAY, representative of the International Humanist and Ethical Union, said that powerful dogmas associated with authoritarian religion, political economy and government, plus the existence of a secret but magnetizing trade in arms, decided conditions for exercising economic and social rights and determined development priorities. The world was focused on

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a non-viable economic and governmental frame. Those economic and social rights that underpinned the development sought now could flourish only if conditions were deliberately created to make their exercise possible. Unfettered struggle for growth simply only lifted productivity, but cut employment, created poverty, raised crime, lowered capital investment and destroyed environments.

He said some convergence between philosophies of East and West -- with an open concern for meeting common needs and individual wants within a perceived framework of justice -- seemed the condition for success if rights and duties were truly to advance human development. Why should States which paid little heed to ratifying basic rights instruments be able to vote in or dominate the Security Council, he asked. When would there be a Council for Economic Security?

DAN CUNNIAH, of the International Confederation of Free Trade Unions (ICFTU), said democracy and development needed to be strengthened on the national and regional levels, and would only be achieved if fundamental human rights were respected and democratic accountability existed. And development would only be sustained if Governments had the vision to invest in education and training, health and a safe environment.

There was a close link between democracy, entailing accountability in Government, and development, he went on. The absence or lack of such accountability and transparency in many Governments went a long way to explain the setbacks of development. Despite the ratification by 119 countries of the Covenant on Economic, Social and Cultural Rights, inequality remained acute around the world. The democratic opening created by the fall of communism was threatened by the failure of democratic parties, whether of the right or left, to find credible solutions to the problems of social exclusion. That was particularly worrying in the republics of the former Soviet Union, in South Asia, and in much of Latin America; and was already threatening the new democracies of Africa.

PIERRE PORRET, of the International Fellowship of Reconciliation, said the problem of extreme poverty concerned the whole world. In developed countries, the problem was aggravated by the current economic crisis. Unemployment continued to increase in Western Europe; many unemployed workers were reaching the end of their benefits, which forced them to turn to social aid organizations. In Eastern Europe, the disappearance of totalitarian regimes had brought with it certain freedoms. But it had also permitted the emergence of a class of new rich from among the mafias or the nomenklatura whose credo was maximum profit without any regard for social, ecological or human principles.

He said there was a close link between respect for human rights and social development. The International Fellowship of Reconciliation was certain that the Commission would make an important contribution to the preparations for the Summit. It also hoped that, in the future, the United Nations would give greater importance to social and environmental questions and, for that, the grave ongoing military conflicts would have to cease.

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HARACIO ZABALA, of the American Association of Jurists, said the problem of indebtedness continued in spite of International Monetary Fund (IMF) "trickery". The result was that the rich got richer, and the poor got poorer. The African continent was being heartlessly plundered, and its indebtedness was increasing. Recently, at Davos, it had been restated that the global economic situation was improving. That might be true for transnational corporations and some international financial institutions, but most developing countries had seen their living standards fall. Women were hurt first and hardest.

A redistribution of wealth was required the world over, he continued. The World Bank had said that redistribution would be "detrimental". Privatization of health services was proposed, making it a luxury unaffordable by the poor. The Bretton-Woods organizations had to be made more democratic. There could be no real human development without redistribution of wealth and genuine participation of the people.

SATISH CHANDRA (India) said it was important to recognize that the world was becoming increasingly interdependent and interlinked. In an interdependent world, any action by the major trading or richer countries had its repercussions on the developing countries. It was, therefore, essential to set up not only a mechanism for dialogue, but also to ensure that it led to meaningful results in a "new partnership for development" as was envisaged at the eighth session of the United Nations Conference on Trade and Development (UNCTAD III).

As developing countries moved towards greater liberalization and economic reforms, he continued, it was essential that the gains from such reforms be commensurate with the sacrifices they were likely to make by reallocation of resources, retrenchment, perhaps temporary unemployment. It was essential to look at the question of safety nets and resources for retraining and re-employment.

While it was true that for the attainment of development a wide range of issues needed to be addressed, at the same time one must recognize that economic factors must, of necessity, be given pride of place. Indebtedness, falling commodities prices and increasing tariff levels had led to shrinking resources at the disposal of Governments of developing countries to be utilized for developmental purposes. In any meaningful exercise to implement the Vienna Declaration, the Group would have to see how those basic economic issues could be addressed. Basic economic issues could not be addressed without willing and active international cooperation.

JORGE LAGO SILVA (Cuba) said that, with the adoption of General Assembly resolution 41/128 eight years ago, the international community had committed itself to implementing the economic, social and cultural rights enshrined in the Universal Declaration for Human Rights. It was regrettable that the commitment had not been acted upon, and that the situation of developing countries continued to be serious. There was no doubt, he said, that the majority of industrialized countries were directly responsible for the actual situation of the underdeveloped countries. Special attention should also be given to the problem of multilateral debt, especially that related to the

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Bretton Woods institutions and the regional development banks. Indebtedness brought with it political, social and economic instability to developing countries. One must reaffirm that, from all points of view, the debt could not be paid.

For 34 years, Mr. Lago Silva said, the United States had applied a criminal economic blockade against Cuba. The blockade, repudiated by the General Assembly, had been tightened with measures aimed at subverting Cuban society. The blockade constituted a flagrant violation of international law and the Charter. The Commission could do no less than to condemn that barbaric action and demand that it cease immediately.

ANNE PARK (Canada) said the Vienna Declaration had firmly established that political and civil rights and economic, social and cultural rights were interrelated. Much of the misunderstanding surrounding that subject stemmed from the basic difference in the nature of the governmental obligations flowing from those two families of rights. As a party to both International Human Rights Covenants since their entry into force in 1976, Canada had long considered the principles contained in those instruments fully compatible and fundamentally interrelated.

The new and important consensus about the fundamental interrelatedness of the two kinds of basic human rights, she said, should put an end forever to unproductive debates on whether developed countries were overly concerned with political and civil rights, or whether developing countries should give first or exclusive priority to a lesser standard of respect for civil and political rights. What mattered was that both kinds of human rights reflected in the Universal Declaration were accepted and strived for. Profound changes taking place in the world in recent years had made it abundantly clear that economic development was most likely to be successful and sustainable over the long term if it rested on a foundation of democratic processes and institutions.

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